

### Extra Ordinary Part - IV / 2001

Extra No.	Date	Department
Extra No.1	30-03-2001	Urban Development & Urban Housing Department
Extra No.2	30-03-2001	Legislative & Parliamentary Affairs Department
Extra No.3	30-03-2001	Legislative & Parliamentary Affairs Department
Extra No.4	30-03-2001	Legislative & Parliamentary Affairs Department
Extra No.5	30-03-2001	Legislative & Parliamentary Affairs Department
Extra No.6	30-03-2001	Legislative & Parliamentary Affairs Department
Extra No.7	30-03-2001	Legislative & Parliamentary Affairs Department
Extra No.8	30-03-2001	Legislative & Parliamentary Affairs Department
Extra No.9	30-03-2001	Legislative & Parliamentary Affairs Department
Extra No.10	30-03-2001	Legislative & Parliamentary Affairs Department
Extra No.11	30-03-2001	Legislative & Parliamentary Affairs Department
Extra No.12	28-04-2001	Urban Development & Urban Housing Department
Extra No.13	28-04-2001	Legislative & Parliamentary Affairs Department
Extra No.14	28-04-2001	Urban Development & Urban Housing Department
Extra No.15	30-04-2001	Panchayats, Rural Housing & Rural Development Department
Extra No.16	30-04-2001	Urban Development & Urban Housing Department
Extra No.17	30-04-2001	Urban Development & Urban Housing Department
Extra No.18	30-04-2001	Finance Department
Extra No.19	06-08-2001	Legislative & Parliamentary Affairs Department
Extra No.20	06-08-2001	Legislative & Parliamentary Affairs Department
Extra No.21	06-08-2001	Legislative & Parliamentary Affairs Department
Extra No.22	06-08-2001	Legislative & Parliamentary Affairs Department

<b>Extra No.</b>	<b>Date</b>	<b>Department</b>
Extra No.23	31-08-2001	Legislative & Parliamentary Affairs Department
Extra No.24	31-08-2001	Legislative & Parliamentary Affairs Department
Extra No.25	31-08-2001	Legislative & Parliamentary Affairs Department
Extra No.26	31-08-2001	Legislative & Parliamentary Affairs Department
Extra No.27	31-08-2001	Legislative & Parliamentary Affairs Department
Extra No.28	31-08-2001	Legislative & Parliamentary Affairs Department
Extra No.29	31-08-2001	Legislative & Parliamentary Affairs Department
Extra No.30	01-09-2001	Legislative & Parliamentary Affairs Department
Extra No.31	01-09-2001	Legislative & Parliamentary Affairs Department
Extra No.32	01-09-2001	Legislative & Parliamentary Affairs Department
Extra No.33	05-09-2001	Legislative & Parliamentary Affairs Department
Extra No.34	30-10-2001	Legislative & Parliamentary Affairs Department
Extra No.35	25-11-2001	Urban Development & Urban Housing Department
Extra No.36	12-12-2001	Urban Development & Urban Housing Department
Extra No.37	29-12-2001	Social Justice & Empowerment Department



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PUBLISHED BY AUTHORITY

VOL. XLI I]

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## PART - IV

Acts of the Gujarat Legislature and Ordinances promulgated  
and Regulations made by the Governor.

### URBAN DEVELOPMENT AND URBAN HOUSING DEPARTMENT

Sachivalaya, Gandhinagar, Dated the 30th March, 2001.

### GUJARAT ORDINANCE NO. 1 OF 2001.

#### AN ORDINANCE

*further to amend the Bombay Rents, Hotel and Lodging  
House Rates Control Act, 1947.*

**WHEREAS** the Legislative Assembly of the State of Gujarat  
is not in session;

Bom.LVII  
of 1947.

**AND WHEREAS** the Governor of Gujarat is satisfied that  
circumstances exist which render it necessary for him to take  
immediate action to amend the Bombay Rents, Hotel and  
Lodging House Rates Control Act, 1947;

**AND WHEREAS** instructions of the President under the  
proviso to clause (1) of article 213 of the Constitution of India  
have been obtained;

**NOW, THEREFORE,** in exercise of the powers conferred on him by clause (1) of article 213 of the Constitution, the Governor of Gujarat is hereby pleased to make and promulgate the following Ordinance, namely :-

**1. Short title and commencement.**—(1) This Ordinance may be called the Bombay Rents, Hotel and Lodging House Rates Control (Gujarat Amendment) Ordinance, 2001.

(2) It shall come into force at once.

Bom. LVII of 1947.

**2. Bom. LVII of 1947 to be temporarily amended.**—During the period of operation of this Ordinance, the Bombay Rents, Hotel and Lodging House Rates Control Act, 1947 (hereinafter referred to as "the principal Act") shall have effect subject to the amendments specified in sections 3 to 7.

**3. Amendment of section 3 of Bom. LVII of 1947.**—In the principal Act, in section 3, in sub-section (2), for the words, figures and letters "the 31st day of March, 2001", the words, figures and letters "the 31st day of March, 2006" shall be substituted.

**4. Insertion of new section 11B in Bom. LVII of 1947.**—In the principal Act, after section 11A, the following new section shall be inserted, namely:—

Right of  
tenants in  
new  
building  
when  
premises  
damaged  
or  
destroyed  
due to  
natural  
calamity.

"11B. Where by reason of earthquake or any other natural calamity, any material part of the premises is wholly destroyed or rendered substantially and permanently unfit for the purpose for which it was let,—

(a) the landlord shall erect the new building at the original site, subject to the provisions of any rules, bye-laws or regulations, made by a local authority, not later than twelve months from the date on which material part of premises of the building is wholly destroyed or rendered substantially and permanently unfit:

Provided that the State Government may for sufficient reasons extend the said period of twelve months to such further period not exceeding twelve months as it thinks fit.

(b) the tenant shall have the right to occupy a tenement in the new building erected at the original site by the landlord, and

the provisions of sections 17B and 17C shall, so far as may be, apply."

**5. Amendment of section 12 of Bom. LVII of 1947.**—In the principal Act, in section 12, after sub-section (1A), the following sub-section shall be inserted, namely :—

"(1B) Where by reason of earthquake or any other natural calamity, any material part of premises is wholly destroyed or rendered substantially and permanently unfit for the purpose for which it was let, the landlord shall not be entitled to--

(a) the standard rent and permitted increases due for the premises,

(b) recover possession of such premises merely on the ground of non payment of standard rent and permitted increases due,

during the period in which such premises remained so destroyed or unfit."

**6. Amendment of section 17D of Bom.LVII of 1947.**—In the principal Act, in section 17D,—

(1) sub-section (1) shall be renumbered as clause (a) of that sub-section and in clause (a) as so renumbered,—

(i) after the words, figure and letter " of section 11A", the words, brackets, figure and letters " or as the case may be, in clause (a) of section 11B" shall be inserted;

(ii) for the words "exist or not", the words, figure and letter "or section 11B exist or not" shall be substituted;

(2) after clause (a) as so renumbered, the following clause shall be inserted, namely :—

" (b) The terms and conditions for providing accommodation to tenants after erection of new building shall be such as may be prescribed. "

**7. Amendment of section 49 of Bom.LVII of 1947.**—In the principal Act, in section 49, in sub-section (2), after clause (aai), the following clause shall be inserted, namely:—

" (aaai) the terms and conditions for providing accommodation to tenants under clause (b) of sub-section (1) of section 17D."

**STATEMENT**

The object underlying the Bombay Rents, Hotel and Lodging House Rates Control Act, 1947 *inter-alia* is to prohibit landlords from increasing the rent above the maximum permitted under the Act, conforms security of tenure on tenants and permits landlord to recover possession only on certain specified grounds. This Act expires on the 31st March, 2001. As the problem of housing in the State of Gujarat still continues to be acute, it is considered necessary to extend the duration of the Act for a further period of five years, i.e. upto 31st March, 2006.

New section 11B proposed to be inserted in the Act *inter alia* provides that where by reason of earthquake or any other natural calamity, any material part of the premises is destroyed or rendered unfit for use, the landlord shall erect new building at the original site within a period of twelve months which can be extended by the Government, in case of necessity, for a further period of twelve months. A provision has also been made that the tenant shall have right to occupy a tenement in the new building erected at the original site by the landlord.

With a view to giving protection to a tenant from eviction, it is considered necessary to insert a new sub-section (1B) in section 12 to provide that the landlord shall not be entitled to recover possession of the premises on the ground of non-payment of standard rent and permitted increase during the period in which such premises remained so destroyed or unfit.

It is also considered necessary to amend section 17D so as to provide that if the landlord fails to erect new building within the period specified in clause (a) of section 11B, the original site shall vest in the State Government free from all encumbrances, for the purpose of erection of new building to provide accommodation to the tenant.

For this purpose, a Bill called the Bombay Rents, Hotel and Lodging House Rates Control (Gujarat Amendment) Bill, 2001 was published with a view to introduce in the last session of the Gujarat Legislative Assembly but could not be taken up by the House.

As the Gujarat Legislative Assembly is not in session, this Ordinance is promulgated to amend the said Act to achieve the aforesaid object.

Gandhinagar,  
Dated the 30th March, 2001.

**SUNDER SINGH BHANDARI,**  
**Governor of Gujarat.**

By order and in the name of the Governor of Gujarat,

**C. M. LEUVA,**  
**Secretary to Government.**

**Government Central Press, Gandhinagar.**



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## PART- IV

Acts of the Gujarat Legislature and Ordinances promulgated  
and Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented  
to by the Governor on the 30th March, 2001 is hereby published for general  
information.

V. M. Kothare,

Secretary to the Government of Gujarat,  
Legislative and Parliamentary Affairs Department.

### GUJARAT ACT NO. 1 OF 2001.

(First published, after having received the assent of the Governor in  
the "*Gujarat Government Gazette*" on the 30th March, 2001).

### AN ACT

further to amend the Gujarat Tribal Development Corporation Act, 1972,  
the Gujarat Scheduled Castes Development Corporation Act, 1985 and  
the Gujarat Backward Classes Development Corporation Act, 1985.

It is hereby enacted in the Fifty-second Year of the Republic of India  
as follows :—

1. (1) This Act may be called the Gujarat Development Corporations Laws (Amendment) Act, 2001.

Short title  
and  
commence-  
ment.

(2) It shall be deemed to have come into force on the 26th December, 2000.

Guj. 5 of  
1972.

2. In the Gujarat Tribal Development Corporation Act, 1972, in section 5, in sub-section (1), for the words "twenty crores of rupees" occurring at three places, the words "fifty crores of rupees" shall be substituted.

Amendment  
of section 5  
of Guj. 5  
of 1972.

Amendment  
of section  
17 of Guj.  
10 of 1985.

3. In the Gujarat Scheduled Castes Development Corporation Act, 1985, in section 17, in sub-section (1), for the words "ten crores of rupees" occurring at three places, the words "fifty crores of rupees" shall be substituted.

Guj. 10 of  
1985.

Amendment  
of section  
18 of Guj.  
11 of 1985.

4. In the Gujarat Backward Classes Development Corporation Act, 1985, in section 18, in sub-section (1), for the words "fifteen crores of rupees" occurring at three places, the words "fifty crores of rupees" shall be substituted.

Guj. 11 of  
1985.

Repeal and  
savings.

5. (1) The Gujarat Development Corporations Laws (Amendment) Ordinance, 2000 is hereby repealed.

Guj. Ord. 8  
of 2000.

(2) Notwithstanding such repeal, anything done or any action taken under the Gujarat Tribal Development Corporation Act, 1972, the Gujarat Scheduled Castes Development Corporation Act, 1985 and the Gujarat Backward Classes Development Corporation Act, 1985, as amended by the said Ordinance shall be deemed to have been done or taken under the said Acts, as amended by this Act.

Guj. 5 of 1972.  
Guj. 10 of 1985.  
Guj. 11 of 1985.

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V. M. Kothare,

Secretary to the Government of Gujarat,  
Legislative and Parliamentary Affairs Department.

### GUJARAT ACT NO. 2 OF 2001.

(First published, after having received the assent of the Governor in  
the "Gujarat Government Gazette" on the 30th March, 2001).

### AN ACT

further to amend the Bombay Motor vehicles Tax Act, 1958.

It is hereby enacted in the Fifty-second Year of the Republic of India as  
follows :—

1. (1) This Act may be called the Bombay Motor Vehicles Tax (Gujarat Amendment) Act, 2001.

Short title and commencement.

(2) It shall be deemed to have come into force on the 25th October, 2000.

2. In the Bombay Motor Vehicles Tax Act, 1958 (hereinafter referred to as "the principal Act"), in section 3A,—

Amendment of section 3A of Bom. LXV of 1958.

(1) in sub-section (1), in the Table, in entry 1,—

(a) against clause (a), for the letters and figures "Rs. 3,000", the letters and figures "Rs. 2,700" shall be substituted;

(b) against clause (b), for the letters and figures "Rs. 4,500", the letters and figures "Rs. 4,050" shall be substituted.

(2) in sub-section (5), —

(A) in clause (a), —

(a) for the words "the Month", the words "each complete month of the period" shall be substituted;

(b) in sub-clause (i), for the words "two hundred fifty rupees", the words "six hundred seventy-five rupees" shall be substituted;

(c) in sub-clause (ii), for the words "three hundred seventy-five rupees", the words "one thousand twelve rupees" shall be substituted;

(d) in sub-clause (iii), for the words "three hundred seventy-five rupees", the words "one thousand one hundred twenty-five rupees" shall be substituted;

(e) in sub-clause (iv), for the words "five hundred rupees", the words "one thousand five hundred rupees" shall be substituted;

(f) in the proviso, for the word "month", the word "months" shall be substituted.

(B) in clause (b), for the portion beginning with the words "period exceeding one month" and ending with the words "the Government authority", the words "continuous period of not less than one month but exceeding three months in a year" shall be substituted.

Repeal and savings.

3. (1) The Bombay Motor Vehicles Tax (Gujarat Amendment) Ordinance, 2000 is hereby repealed.

Guj. Ord. 3 of 2000.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act, as amended by this Act.



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V. M. Kothare,  
Secretary to the Government of Gujarat,  
Legislative and Parliamentary Affairs Department.

### GUJARAT ACT NO. 3 OF 2001.

(First published, after having received the assent of the Governor in  
the "Gujarat Government Gazette" on the 30th March, 2001).

### AN ACT

further to amend the Bombay Tenancy and Agricultural Lands  
(Gujarat Amendment) Act, 1995.

It is hereby enacted in the Fifty-second Year of the Republic of  
India as follows :—

1. (1) This Act may be called the Bombay Tenancy and Agricultural Lands (Gujarat Amendment) Amending Act, 2001.

Short title  
and  
commencement.

(2) It shall be deemed to have come into force on the 6th November, 2000.

Guj. 4 of  
1995.

2. In the Bombay Tenancy and Agricultural Lands (Gujarat Amendment) Act, 1995 (hereinafter referred to as "the amending Act"), in section 2, for the words "shall be deleted" occurring at two places, the words "shall be and shall be deemed always to have been deleted" shall be substituted.

Amendment  
of section 2 of  
Guj. 4 of  
1995.

Abatement of  
legal  
proceedings.

3. All proceedings relating to any order made or purported to be made under section 84C of the Bombay Tenancy and Agricultural Lands Act, 1948 (hereinafter referred to as "the principal Act") for contravention of provisions of section 63, so far as it relates to the breach of clause (6) of section 2 of the principal Act, pending before any court, tribunal or other authority or any such proceedings initiated by any such authority on or after the commencement of the amending Act shall stand abated notwithstanding anything contained in section 84C of the principal Act.

Bom.  
LXVII  
of 1948.

Saving.

4. The amendment made by section 2 shall not affect the validity of any such order referred to in section 3, made by any court, tribunal or other authority before the date of commencement of the amending Act, which has become final.

*Explanation.*—For the purpose of this section, the word "final" means no appeal, revision or any other proceeding is pending before any court, tribunal or other authority against any such order on the date of commencement of the amending Act.

Repeal  
and  
savings.

5. (1) The Bombay Tenancy and Agricultural Lands (Gujarat Amendment) Amending Ordinance, 2000 is hereby repealed.

Guj.  
Ord. 5  
of 2000.

(2) Notwithstanding such repeal, anything done or any action taken under the amending Act, as amended by the said Ordinance shall be deemed to have been done or taken under the amending Act as amended by this Act.



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V. M. Kothare,  
Secretary to the Government of Gujarat,  
Legislative and Parliamentary Affairs Department.

### GUJARAT ACT NO. 4 OF 2001.

(First published, after having received the assent of the Governor in  
the "Gujarat Government Gazette" on the 30th March, 2001).

### AN ACT

further to amend the Gujarat sales Tax Act, 1969.

It is hereby enacted in the Fifty-second Year of the Republic of India  
as follows :-

1. (1) This Act may be called the Gujarat Sales Tax (Amendment) Act, 2001. Short title and commencement.

(2) It shall come into force on the 1<sup>st</sup> April, 2001.

Guj. 1 of 1970.

2. In the Gujarat Sales Tax Act, 1969, in section 4A, in sub-section (1), for the words "one year", the words "two years" shall be substituted. Amendment of section 4-A of Guj. 1 of 1970.

Government Central Press, Gandhinagar.



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information.

**V. M. Kothare,**  
Secretary to the Government of Gujarat,  
Legislative and Parliamentary Affairs Department.

### GUJARAT ACT NO. 5 OF 2001.

(First published, after having received the assent of the Governor in  
the "Gujarat Government Gazette" on the 30th March, 2001).

### AN ACT

further to amend the Gujarat State Guarantees Act, 1963.

It is hereby enacted in the Fifty-second Year of the Republic of  
India as follows :-

1. This Act may be called the Gujarat State Guarantees (Amendment) Act, 2001. Short title.

Guj. XXII of 1963. 2. In the Gujarat State Guarantees Act, 1963, (hereinafter referred to as "the principal Act"), in section 2, in sub-section (1), for the letters and figures "Rs. 160,00,00,00,000", the letters and figures "Rs. 200,00,00,00,000" shall be substituted. Amendment of section 2 of Guj. XXII of 1963.

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V. M. Kothare,  
Secretary to the Government of Gujarat,  
Legislative and Parliamentary Affairs Department.

### GUJARAT ACT NO. 6 OF 2001.

(First published, after having received the assent of the Governor in  
the "*Gujarat Government Gazette*" on the 30th March, 2001).

### AN ACT

further to amend the Gujarat Panchayats Act, 1993.

It is hereby enacted in the Fifty-second Year of the Republic of India as  
follows :-

1. (1) This Act may be called the Gujarat Panchayats (Amendment) Act, 2001. **Short title and commencement.**

(2) It shall be deemed to have come into force on the 4th November, 2000.

**Guj. 18 of 1993.** 2. In the Gujarat Panchayats Act, 1993 (hereinafter referred to as the "principal Act"), in section 257, sub-section (2) shall be deleted. **Amendment of section 257 of Guj. 18 of 1993.**

**Repeal and savings.** 3. (1) The Gujarat Panchayats (Amendment) Ordinance, 2000 is hereby repealed. **Guj. Ord. 4 of 2000.**

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act, as amended by this Act.

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information.

V. M. Kothare,

Secretary to the Government of Gujarat,  
Legislative and Parliamentary Affairs Department.

#### GUJARAT ACT NO. 7 OF 2001.

(First published, after having received the assent of the Governor in  
the "Gujarat Government Gazette" on the 30th March, 2001).

#### AN ACT

to authorise withdrawal of certain sums from and out of the Consolidated  
Fund of the State of Gujarat for the services of a part of the Financial  
Year ending on the thirty first day of March, 2002.

It is hereby enacted in the Fifty-second Year of the Republic of India  
as follows :—

1. This Act may be called the Gujarat Appropriation (Vote on Account) Act, 2001. Short title.

2. From and out of the Consolidated Fund of the State of Gujarat, there may be withdrawn sums not exceeding those specified in column 3 of the Schedule hereto annexed amounting in the aggregate to the sum of nineteen thousand seven hundred forty-nine crore one lakh forty-eight thousand rupees towards defraying the several charges which will come in course of payment during the financial year 2001-2002. Withdrawal of Rs. 197490148000 from and out of the Consolidated Fund of the State of Gujarat for the financial year 2001-2002.

3. The sums authorised to be withdrawn from and out of the Consolidated Fund of the State of Gujarat by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year. Appropriation.

SCHEDULE  
(See sections 2 and 3)

No. of Vote/ Appro- priation	Services and purposes		Sums not exceeding		Total
			Voted	Charged on the Consolidated Fund	
1	2			3	
1	Agriculture and Co-operation Department	Revenue	16248000		16248000
2	Agriculture	Revenue	3355183000		3355183000
		Capital	2375000		2375000
3	Minor Irrigation, Soil Conservation and Area Development	Revenue	320825000		320825000
		Capital	8122000		8122000
4	Animal Husbandry and Dairy Development	Revenue	264952000		264952000
5	Co-operation	Revenue	163323000		163323000
		Capital	88968000		88968000
6	Other expenditure pertaining to Agriculture and Co-operation Department	Capital	11778000		11778000
7	Education Department	Revenue	11540000		11540000
8	Education	Revenue	14925081000	426854000	15351935000
		Capital	4000		4000
9	Other expenditure pertaining to Education Department	Revenue	21850000		21850000
		Capital	410588000		410588000
10	Energy and Petro-Chemicals Department	Revenue	6688000		6688000
11	Tax Collection Charges (Energy and Petro-Chemicals Department)	Revenue	25350000		25350000
12	Energy Projects	Revenue	25746895000	8333000	25755228000
		Capital	68750000		68750000
13	Other expenditure pertaining to Energy and Petro-Chemicals Department	Revenue	1250000		1250000
		Capital	1523000		1523000

No. of Vote/ Appropriation	Services and purposes		Sums not exceeding		Total
			Voted	Charged on the Consolidated Fund	
1	2		3		
14	Finance Department	Revenue	26771000		26771000
		Capital	313000		313000
15	Tax Collection Charges (Finance Department)	Revenue	251483000		251483000
16	Treasury and Accounts Administration	Revenue	169635000		169635000
17	Pension and other Retirement Benefits	Revenue	5440875000	417000	5441292000
18	Other expenditure pertaining to Finance Department	Revenue	2049638000		2049638000
		Capital	11404000	42000	11446000
19	Repayment of debt pertaining to Finance Department and its servicing	Revenue		15597333000	15597333000
		Capital		5496825000	5496825000
20	Food, Civil Supplies and Consumer Affairs Department	Revenue	28217000		28217000
21	Civil Supplies	Revenue	567982000		567982000
22	Food	Revenue	49198000		49198000
		Capital	1042000		1042000
23	Other expenditure pertaining to Food, Civil Supplies and Consumer Affairs Department	Capital	1422000		1422000
24	Forests and Environment Department	Revenue	7969000		7969000
25	Forests	Revenue	443202000		443202000
		Capital	454945000		454945000
26	Environment	Revenue	32917000		32917000
27	Other expenditure pertaining to Forests and Environment Department	Capital	6654000		6654000

No. of Vote/ Appropriation	Services and purposes	Sums not exceeding		
		Voted	Charged on the Consolidated Fund	Total
1	2		3	
28	Governor	Revenue	8877000	8877000
29	Council of Ministers	Revenue	15471000	15471000
30	Elections	Revenue	46463000	46463000
31	Public Service Commission	Revenue	2705000	11096000
32	General Administration Department	Revenue	500775000	500775000
33	Economic Advice and Statistics	Revenue	43054000	43054000
34	Other expenditure pertaining to General Administration Department	Revenue Capital	56989291000 110360000	233000 56989524000 110360000
35	State Legislature	Revenue	36662000	393000
36	Loans and Advances to Government Servants in Gujarat Legislature Secretariat	Capital	489000	489000
37	Health and Family Welfare Department	Revenue	17549000	17549000
38	Medical and Public Health	Revenue	2829192000	2829192000
39	Family Welfare	Revenue	590102000	590102000
40	Other expenditure pertaining to Health and Family Welfare Department	Revenue Capital	298559000 18584000	298559000 18584000
41	Home Department	Revenue	24576000	24576000
42	Police	Revenue	2997778000	2997778000
43	Jails	Revenue	97181000	97181000
44	Transport	Revenue Capital	752454000 173233000	752454000 173233000

No. of Vote/ Appro- priation	Services and purposes		Sums not exceeding		Total
			Voted	Charged on the Consolidated Fund	
1	2			3	
45	State Excise	Revenue	22107000		22107000
46	Other expenditure pertaining to Home Department	Revenue Capital	273318000 205684000	125000	273443000 205684000
47	Industries and Mines Department	Revenue	11925000		11925000
48	Stationery and Printing	Revenue	172911000		172911000
49	Industries	Revenue Capital	4683751000 13146000		4683751000 13146000
50	Mines and Minerals	Revenue	70757000		70757000
51	Tourism	Revenue	67771000		67771000
52	Other expenditure pertaining to Industries and Mines Department	Revenue Capital	16750000 64323000		16750000 64323000
53	Information and Broadcasting Department	Revenue	3043000		3043000
54	Information and Publicity	Revenue	105173000		105173000
55	Other expenditure pertaining to Information and Broadcasting Department	Revenue Capital	9263000 1684000		9263000 1684000
56	Labour and Employment Department	Revenue	7202000		7202000
57	Labour and Employment	Revenue	461254000		461254000
58	Other expenditure pertaining to Labour and Employment Department	Capital	8787000		8787000
59	Legal Department	Revenue	9286000		9286000
60	Administration of Justice	Revenue	360755000	57013000	417768000
61	Other expenditure pertaining to Legal Department	Revenue Capital	16805000 7280000		16805000 7280000

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No. of Vote/ Appropriation	Services and purposes		Sums not exceeding		Total
			Voted	Charged on the Consolidated Fund	
1	2			3	
62	Legislative and Parliamentary Affairs Department	Revenue	7698000		7698000
63	Other expenditure pertaining to Legislative and Parliamentary Affairs Department	Capital	276000		276000
64	Narmada, Water Resources and Water Supply Department	Revenue	22083000		22083000
65	Narmada Development Scheme	Capital	4596786000		4596786000
66	Irrigation and Soil Conservation	Revenue	8601848000		8601848000
		Capital	1385458000		1385458000
67	Water Supply	Revenue	626321000		626321000
		Capital	1602750000		1602750000
68	Other expenditure pertaining to Narmada, Water Resources and Water Supply Department	Revenue	21000		21000
		Capital	23354000		23354000
69	Panchayats, Rural Housing and Rural Development Department	Revenue	12667000		12667000
70	Community Development	Revenue	1135035000		1135035000
71	Rural Housing and Rural Development	Revenue	1389228000	667718000	2056946000
		Capital	47000000		47000000
72	Compensations and Assignments	Revenue	107768000		107768000
73	Other expenditure pertaining to Panchayats, Rural Housing and Rural Development Department	Revenue	255243000		255243000
		Capital	90786000		90786000
74	Fisheries	Revenue	96876000		96876000
		Capital	38755000		38755000
75	Other Expenditure pertaining to Ports and Fisheries Department	Revenue	3459000		3459000
		Capital	1194000		1194000
76	Revenue Department	Revenue	46210000		46210000

No. of Vote/ Appro- priation	Services and purposes		Sums not exceeding		Total
			Voted	Charged on the Consolidated Fund	
1	2			3	
77	Tax Collection Charges (Revenue Department)	Revenue	233637000		233637000
78	District Administration	Revenue	268665000		268665000
79	Relief on account of Natural Calamities	Revenue	13323700000		13323700000
80	Dangs District	Revenue	70051000		70051000
81	Compensations and Assignments	Revenue	90194000	492000	90686000
		Capital	83000	125000	208000
82	Other expenditure pertaining to Revenue Department	Revenue	1681000		1681000
		Capital	28787000		28787000
83	Roads and Building Department	Revenue	25775000		25775000
84	Non-Residential Buildings	Revenue	933154000	333000	933487000
		Capital	327838000		327838000
85	Residential Buildings	Revenue	325822000		325822000
		Capital	70965000		70965000
86	Roads and Bridges	Revenue	2295833000		2295833000
		Capital	1288225000		1288225000
87	Gujarat Capital Construction Scheme	Revenue	34627000		34627000
		Capital	115479000		115479000
88	Other expenditure pertaining to Roads and Building Department	Revenue	58333000		58333000
		Capital	10810000		10810000
89	Social Justice and Empowerment Department	Revenue	9538000		9538000
90	Social Security and Welfare	Revenue	1056654000	4167000	1060821000
		Capital	6104000		6104000
91	Welfare of Scheduled Tribe	Revenue	237983000		237983000
		Capital	7917000		7917000
92	Other expenditure pertaining to Social Justice and Empowerment Department	Capital	3272000		3272000

No. of Vote/ Appropriation	Services and purposes		Sums not exceeding		
			Voted	Charged on the Consolidated Fund	Total
1	2		3		
93	Special Component Plan for Scheduled Castes	Revenue	1258004000		1258004000
		Capital	47193000		47193000
94	Tribal Area Sub-Plan	Revenue	3403015000		3403015000
		Capital	654580000		654580000
95	Sports, Youth and Cultural Activities Department	Revenue	4210000		4210000
96	Youth Services and Cultural Activities	Revenue	123577000		123577000
97	Other expenditure pertaining to Sports, Youth and Cultural Activities Department	Capital	1451000		1451000
98	Urban Development and Urban Housing Department	Revenue	7001000		7001000
99	Urban Housing	Revenue	36691000	204451000	241142000
100	Urban Development	Revenue	897080000		897080000
		Capital	47583000		47583000
101	Compensations, Assignments and Tax Collection Charges	Revenue	353375000	114626000	468001000
102	Other expenditure pertaining to Urban Development and Urban Housing Department	Revenue	7002000		7002000
		Capital	1477000		1477000
<b>Total :</b>		Revenue	162821014000	17102461000	179923475000
		Capital	12069681000	5496992000	17566673000
<b>Grand Total :</b>			174890695000	22599453000	197490148000

Government Central Press, Gandhinagar.



# The Gujarat Government Gazette

## EXTRAORDINARY

PUBLISHED BY AUTHORITY

VOL. XLI I]

FRIDAY, MARCH 30, 2001 / CAITRA 9, 1923

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### PART - IV

#### Acts of the Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 30th March, 2001 is hereby published for general information.

V. M. Kothare,

Secretary to the Government of Gujarat,  
Legislative and Parliamentary Affairs Department.

#### GUJARAT ACT NO. 8 OF 2001.

(First published, after having received the assent of the Governor in the "Gujarat Government Gazette" on the 30th March, 2001).

#### AN ACT

to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Gujarat for the services of the financial year ending on the thirty-first day of March, 2001.

It is hereby enacted in the Fifty-second Year of the Republic of India as follows :—

1. This Act may be called the Gujarat (Supplementary) Appropriation Act, 2001. Short title.
2. From and out of the Consolidated Fund of the State of Gujarat, there shall be paid and applied sums not exceeding those specified in column 3 of the Schedule hereto annexed amounting in the aggregate to the sum of twelve thousand four hundred eighty-nine crores, thirty-seven lakhs, thirty-eight thousand rupees towards defraying the several charges which will come in course of payment during the financial year ending on the thirty-first day of March, 2001, in respect of the services and purposes specified in column 2 of the Schedule. Issue of Rs.1,24,89,37,38,000 from and out of the Consolidated Fund of the State of Gujarat for the financial year 2000-2001.
3. The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Gujarat by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year. Appropriation.

## SCHEDULE

(See sections 2 and 3)

No. of Vote/ Appropriation	Services and purposes		Sums not exceeding		
			Voted	Charged on the Consolidated Fund	Total
1	2			3	
2.	Agriculture	Revenue	2,66,64,000	97,000	2,67,61,000
3.	Minor Irrigation, Soil Conservation and Area Development	Revenue	28,22,000	—	28,22,000
4.	Animal Husbandry and Dairy Development	Revenue	2,84,50,000	13,67,000	2,98,17,000
		Capital	3,85,23,000	2,70,00,000	6,55,23,000
5.	Co-operation	Capital	21,55,000	—	21,55,000
6.	Other Expenditure pertaining to Agriculture and Co-operation Department	Revenue	—	3,41,000	3,41,000
8.	Education	Revenue	1,03,16,18,000	1,03,64,000	1,04,19,82,000
11.	Tax Collection Charges (Energy and Petro-Chemical Department)	Revenue	1,000	—	1,000
12.	Energy Projects	Revenue	21,40,16,35,000	—	21,40,16,35,000
		Capital	1,36,91,00,000	—	1,36,91,00,000
16.	Treasury and Accounts Administration	Revenue	1,000	—	1,000
18.	Other Expenditure pertaining to Finance Department	Revenue	2,000	—	2,000
19.	Repayment of Debt pertaining to Finance Department and its servicing	Revenue	—	1,000	1,000
		Capital	—	72,53,91,20,000	72,53,91,20,000
21.	Civil Supplies	Revenue	59,85,000	1,42,000	61,27,000
22.	Food	Revenue	41,75,000	1,19,000	42,94,000
25.	Forests	Revenue	—	2,05,000	2,05,000

No. of Vote/ Appropriation	Services and purposes		Sums not exceeding		
			Voted	Charged on the Consolidated Fund	Total
1	2		3		
29.	Council of Ministers	Revenue	39,20,000	—	39,20,000
30.	Elections	Revenue	1,67,51,000	—	1,67,51,000
31.	Public Service Commission	Revenue	—	18,26,000	18,26,000
32.	General Administration Department	Revenue	57,15,000	—	57,15,000
33.	Economic Advice and Statistics	Revenue	12,40,80,000	—	12,40,80,000
34.	Other Expenditure pertaining to General Administration Department	Revenue	1,18,93,000	4,80,000	1,23,73,000
		Capital	6,39,80,000	—	6,39,80,000
35.	State Legislature	Revenue	1,000	1,65,000	1,66,000
38.	Medical and Public Health	Revenue	39,85,000	—	39,85,000
40.	Other Expenditure pertaining to Health and Family Welfare Department	Revenue	1,000	—	1,000
42.	Police	Revenue	8,14,26,000	4,19,000	8,18,45,000
43.	Jails	Revenue	79,11,000	—	79,11,000
46.	Other Expenditure pertaining to Home Department	Revenue	3,45,24,000	16,25,000	3,61,49,000
		Capital	26,26,000	—	26,26,000
47.	Industries and Mines Department	Revenue	4,00,000	—	4,00,000
49.	Industries	Revenue	49,56,000	2,69,000	52,25,000
		Capital	91,77,49,000	—	91,77,49,000
54.	Information and Publicity	Revenue	2,23,37,000	—	2,23,37,000
56.	Labour and Employment Department	Revenue	8,53,000	—	8,53,000
57.	Labour and Employment	Revenue	2,70,44,000	—	2,70,44,000
60.	Administration of Justice	Revenue	1,000	—	1,000

No. of Vote/ Appropriation	Services and purposes		Sums not exceeding		
			Voted	Charged on the Consolidated Fund	Total
1	2			3	
61.	Other Expenditure pertaining to Legal Department	Revenue	6,46,000	—	6,46,000
64.	Narmada Water Resources and water supply Department	Revenue	6,00,000	—	6,00,000
66.	Irrigation and Soil Conservation	Revenue	1,000	2,44,000	2,45,000
		Capital	1,000	2,41,68,000	2,41,69,000
67.	Water Supply	Revenue	1,000	—	1,000
		Capital	4,31,95,80,000	—	4,31,95,80,000
68.	Other Expenditure pertaining to Narmada, Water Resources and Water Supply Department	Revenue	—	3,30,91,000	3,30,91,000
70.	Community Development	Revenue	29,93,27,000	—	29,93,27,000
71.	Rural Housing and Rural Development	Revenue	2,000	25,11,06,000	25,11,08,000
73.	Other Expenditure pertaining to Panchayats, Rural Housing and Rural Development Department	Revenue	9,98,18,000	—	9,98,18,000
76.	Revenue Department	Revenue	1,00,86,000	—	1,00,86,000
78.	District Administration	Revenue	55,50,000	2,80,000	58,30,000
79.	Relief on account of Natural Calamities	Revenue	21,05,47,10,000	—	21,05,47,10,000
80.	Dangs District	Revenue	3,10,38,000	—	3,10,38,000
81.	Compensation and Assignment	Revenue	9,90,000	—	9,90,000
82.	Other Expenditure pertaining to Revenue Department	Revenue	36,10,000	—	36,10,000
84.	Non-Residential Buildings	Revenue	—	13,61,000	13,61,000
		Capital	4,000	67,000	71,000

No. of Vote/ Appropriation	Services and purposes		Sums not exceeding		
			Voted	Charged on the Consolidated Fund	Total
1	2			3	
85.	Residential Buildings	Capital	5,00,01,000	—	5,00,01,000
86.	Roads and Bridges	Revenue	1,000	22,89,000	22,90,000
		Capital	5,83,92,000	14,56,000	5,98,48,000
88.	Other Expenditure pertaining to Roads and Buildings Department	Revenue	1,32,00,000	55,23,000	1,87,23,000
90.	Social Security and Welfare	Revenue	1,06,24,000	6,50,00,000	7,56,24,000
91.	Welfare of Scheduled Tribes	Revenue	1,000	—	1,000
93.	Special Component Plan for Scheduled Castes	Revenue	1,000	—	1,000
94.	Tribal Area Sub-Plan	Revenue	10,07,91,000	55,34,000	10,63,25,000
		Capital	1,50,02,000	1,08,000	1,51,10,000
95.	Sports, Youth and Cultural Activities Department	Revenue	9,28,000	—	9,28,000
96.	Youth Services and Cultural Activities	Revenue	1,76,99,000	—	1,76,99,000
99.	Urban Housing	Revenue	7,11,06,000	2,79,00,000	9,90,06,000
100.	Urban Development	Revenue	11,01,40,000	—	11,01,40,000
		Capital	9,31,87,000	—	9,31,87,000
101.	Compensation Assignment and Tax Collection Charges	Revenue	—	28,37,50,000	28,37,50,000
Total :		Revenue :	44,67,80,21,000	69,34,98,000	45,37,15,19,000
		Capital :	6,93,03,00,000	72,59,19,19,000	79,52,22,19,000
Grand Total :			51,60,83,21,000	73,28,54,17,000	1,24,89,37,38,000

IV-EX-9-2



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PUBLISHED BY AUTHORITY

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FRIDAY, MARCH 30, 2001 / CHAITRA 9, 1923

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## PART - IV

### Acts of the Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented  
to by the Governor on the 30th March, 2001 is hereby published for general  
information.

V. M. Kethare,

Secretary to the Government of Gujarat,  
Legislative and Parliamentary Affairs Department.

### GUJARAT ACT NO. 9 OF 2001.

(First published, after having received the assent of the Governor in  
the "Gujarat Government Gazette" on the 30th March, 2001).

### AN ACT

to authorise payment and appropriation of certain further sums from and  
out of the Consolidated Fund of the State of Gujarat for the services of  
the financial year ending on the thirty-first day of March, 1989.

It is hereby enacted in the Fifty-second Year of the Republic of India  
as follows :—

1. This Act may be called the Gujarat Appropriation (Excess Expenditure) Short title.  
Act, 2001.

2. From and out of the Consolidated Fund of the State of Gujarat, there shall be paid and applied sums not exceeding those specified in column 3 of the Schedule hereto annexed amounting in the aggregate to the sum of seventy-five crores, eleven lakhs, thirty-eight thousand, four hundred and fifty-seven rupees towards defraying the several charges which have come in course of payment during the financial year ending on the thirty-first day of March, 1989, in respect of the services and purposes specified in column 2 of the Schedule. Issue of Rs. 75,11,38,457 from and out of the Consolidated Fund of the State of Gujarat for the financial year 1988-89.

3. The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Gujarat by this Act shall be deemed to have been appropriated for the services and purposes expressed in the Schedule in relation to the financial year ending on the thirty-first day of March, 1989. Appropriation.

## SCHEDULE

(See sections 2 and 3)

No. of Excess Demand/ Appro- priation	Services and purposes	Sums not exceeding		
		Charged on the Consolidated Fund	Voted by the Legislative Assembly	Total
1	2		3	
		Rs.	Rs.	Rs.
2.	Agriculture	Revenue	--	1,30,19,812
3.	Minor Irrigation, Soil Conservation and Area Development	Revenue	--	42,31,849
4.	Animal Husbandry and Dairy Development	Revenue	--	38,52,690
		Capital	--	16,53,600
5.	Other expenditure pertaining to Agriculture and Rural Develop- ment Department	Revenue	87,93,568	87,93,568
7.	Co-operation	Capital	--	6,91,08,450
10.	Education	Revenue	89,89,000	89,89,000
15.	Pension and other retirement benefits	Revenue	2,11,571	32,42,69,135
23.	Forests	Revenue	--	83,41,796
		Capital	--	1,74,37,793
25.	Other expenditure pertaining to Forest and environment Department	Capital	--	16,62,967
28.	Election	Revenue	--	15,76,544
36.	Medical and Public Health	Revenue	--	3,25,37,006
41.	Police	Revenue	14,053	7,07,96,855
42.	Jails	Revenue	--	77,21,975
43.	Other expenditure pertaining to Home Department	Revenue	--	22,26,369
		Capital	--	5,38,227
44.	Industries Mines and Energy Department	Revenue	--	8,17,739

No. of Excess Demand/ Appro- priation	Services and purposes	Sums not exceeding		
		Charged on the Consolidated Fund	Voted by the Legislative Assembly	Total
1	2		3	
48.	Mines and Minerals Department Revenue	Rs. --	Rs. 26,59,960	Rs. 26,59,960
54.	Other expenditure pertaining to Information, Broadcasting and Tourism Department. Capital	--	74,560	74,560
57.	Other expenditure pertaining to Irrigation Department Revenue	1,16,860	--	1,16,860
	Capital	--	2,49,531	2,49,531
58.	Labour and Employment Department Revenue	--	14,548	14,548
62.	Administration of Justice Revenue	1,68,834	--	1,68,834
67.	Panchayats and Rural Housing Department Revenue	--	78,772	78,772
69.	Rural Housing Revenue	--	92,301	92,301
71.	Other Expenditure pertaining to Panchayats, Rural Housing Department Revenue	--	23,870	23,870
74.	Transport Revenue	--	10,51,66,617	10,51,66,617
79.	District Administration Revenue	83,710	3,62,596	4,46,306
81.	Dang District Revenue	--	22,28,515	22,28,515
84.	Roads and Buildings Department Revenue	--	33,23,911	33,23,911
85.	Non-Residential Buildings Revenue	--	2,42,27,440	2,42,27,440
87.	Roads and Bridges Capital	8,798	--	8,798
89.	Other Expenditure pertaining to Roads and Building Department Capital	--	5,173	5,173
90.	Social Welfare Department Revenue	--	75,159	75,159

No. of Excess Demand/ Appro- priation	Services and purposes	Sums not exceeding		
		Charged on the Consolidated Fund	Voted by the Legislative Assembly	Total
1	2		3	
		Rs.	Rs.	Rs.
91.	State Excise Revenue	--	5,66,593	5,66,593
93.	Other expenditure pertaining to Social Welfare Department Capital	--	91,070	91,070
94.	Special Component Plan for Scheduled Castes Revenue	--	3,10,97,730	3,10,97,730
96.	Welfare of Scheduled Tribes Revenue	--	26,17,531	26,17,531
102.	Compensations, assignments and Tax Collection Charges Revenue	3,379	--	3,379
Total : Revenue :		1,83,80,975	64,19,27,313	66,03,08,288
Total : Capital :		8,798	9,08,21,371	9,08,30,169
Grand Total :		1,83,89,773	73,27,48,684	75,11,38,457

Government Central Press, Gandhinagar.



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The following Act of the Gujarat Legislature, having been assented  
to by the Governor on the 30th March, 2001 is hereby published for general  
information.

V. M. Kothare,

Secretary to the Government of Gujarat,  
Legislative and Parliamentary Affairs Department.

### GUJARAT ACT NO. 10 OF 2001.

(First published, after having received the assent of the Governor in  
the "Gujarat Government Gazette" on the 30th March, 2001).

### AN ACT

to authorise payment and appropriation of certain further sums from and  
out of the Consolidated Fund of the State of Gujarat for the services of  
the financial year ending on the thirty-first day of March, 1990.

It is hereby enacted in the Fifty-second Year of the Republic of India  
as follows :—

1. This Act may be called the Gujarat Appropriation (Excess  
Expenditure) (Second) Act, 2001.

Short title.

2. From and out of the Consolidated Fund of the State of Gujarat,  
there shall be paid and applied sums not exceeding those specified in  
column 3 of the Schedule hereto annexed amounting in the aggregate to  
the sum of one hundred twelve crores, fifty-one lakhs, ninety-one  
thousand, thirty-three rupees towards defraying the several charges which  
have come in course of payment during the financial year ending on the  
thirty-first day of March, 1990, in respect of the services and purposes  
specified in column 2 of the Schedule.

Issue of  
Rs. 1,12,51,91,033  
from and out of the  
Consolidated Fund  
of the State of  
Gujarat for the  
financial year 1989-90.

3. The sums authorised to be paid and applied from and out of  
the Consolidated Fund of the State of Gujarat by this Act shall be deemed  
to have been appropriated for the services and purposes expressed in the  
Schedule in relation to the financial year ending on the thirty-first day of  
March, 1990.

Appropriation.

## SCHEDULE

(See sections 2 and 3)

No. of Excess Demand/ Appropri- ation	Services and purposes		Sums not exceeding		Total
			Charged on the Consolidated Fund	Voted by the Legislative Assembly	
1	2		3		
			Rs.	Rs.	Rs.
2.	Agriculture	Revenue	10,801	—	10,801
4.	Animal Husbandry	Revenue	—	80,99,027	80,99,027
9.	Education Department	Revenue	—	1,53,090	1,53,090
10.	Education	Capital	—	69,35,275	69,35,275
15.	Pension and other Retirement benefits	Revenue	—	1,02,93,705	1,02,93,705
16.	Other expenditure pertaining to Finance Department	Revenue	5,729	—	5,729
18.	Food and Civil Supplies Department	Revenue	—	15,045	15,045
23.	Forests	Revenue	—	1,46,50,714	1,46,50,714
32.	Other expenditure pertaining to General Administration Department	Revenue	3,234	—	3,234
38.	Water Supply	Revenue	—	20,60,00,000	20,60,00,000
40.	Home Department	Revenue	—	85,517	85,517
42.	Jails	Revenue	—	16,30,852	16,30,852
43.	Other expenditure pertaining to Home Department	Revenue	—	15,44,039	15,44,039
44.	Industries, Mines and Energy Department	Revenue	—	3,53,445	3,53,445
46.	Stationery and Printing	Revenue	—	22,07,043	22,07,043

No. of Excess Demand/ Appropri- ation	Services and purposes		Sums not exceeding		
			Charged on the Consolidated Fund	Voted by the Legislative Assembly	Total
1	2			3	
			Rs.	Rs.	Rs.
59.	Administration of Justice	Revenue	1,04,300	—	1,04,300
60.	Other expenditure pertaining to Legal Department	Revenue	—	14,343	14,343
62.	Narmada Development Scheme	Revenue	—	55,00,28,077	55,00,28,077
63.	Other expenditure pertaining to Narmada Development Department	Capital	—	17,14,875	17,14,875
69.	Ports, Transport and Fisheries Department	Revenue	—	4,20,678	4,20,678
76.	Port Administration	Revenue	—	81,02,954	81,02,954
	on account of natural disasters	Revenue	—	74,37,054	74,37,054
	Dangs District	Revenue	—	16,11,907	16,11,907
79.	Compensations and Assignment	Revenue	—	9,04,526	9,04,526
81.	Roads and Building Department	Revenue	—	14,22,374	14,22,374
82.	Non Residential Buildings	Revenue	—	4,77,99,574	4,77,99,574
83.	Residential Buildings	Revenue	—	1,35,62,866	1,35,62,866
		Capital	248	—	248
84.	Roads and Bridges	Revenue	—	15,28,42,065	15,28,42,065
86.	Other expenditure pertaining to Roads and Buildings Department	Revenue	46,91,151	21,34,073	68,25,224
88.	State Excise	Revenue	—	11,59,420	11,59,420
90.	Other expenditure pertaining to Social Welfare Department.	Capital	—	4,22,720	4,22,720

No. of Excess Demand/ Appropri- ation	Services and purposes	Sums not exceeding		
		Charged on the Consolidated Fund	Voted by the Legislative Assembly	Total
1	2	3		
		Rs.	Rs.	Rs.
91.	Special component plan for Scheduled Castes. Capital	—	42,80,311	42,80,311
93.	Welfare of Schedule Tribes Capital	—	34,83,032	34,83,032
96.	Urban Development and Urban Housing Department Revenue	—	76,639	76,639
97.	Urban Housing Revenue	—	5,251	5,251
99.	Compensations, Assignment and Tax Collection Charges Revenue	—	15,84,414	15,84,414
101.	Water Resources Department Revenue	—	12,94,980	12,94,980
102.	Irrigation and Soil Conservation Revenue	—	6,81,05,685	6,81,05,685
Total :		Revenue :	48,15,215	1,10,35,39,357
		Capital :	248	1,68,36,213
Grand Total :			48,15,463	1,12,03,75,570
				1,12,51,91,033

Government Central Press, Gandhinagar.



सत्यमेव जयते

# The Gujarat Government Gazette EXTRAORDINARY

PUBLISHED BY AUTHORITY

VOL. XLII]

SATURDAY, APRIL 28, 2001/VAISAKHA 8, 1923

Separate paging is given to this Part in order that it  
may be filed as a Separate Compilation.

## PART - IV

Acts of the Gujarat Legislature and Ordinances promulgated  
and Regulations made by the Governor.

### URBAN DEVELOPMENT AND URBAN HOUSING DEPARTMENT

Sachivalaya, Gandhinagar, Dated the 28th April, 2001.

### GUJARAT ORDINANCE NO. 2 OF 2001.

#### AN ORDINANCE

*further to amend the Gujarat Town Planning and Urban  
Development Act, 1976.*

**WHEREAS** the Legislative Assembly of the State of Gujarat  
is not in session;

**AND WHEREAS** the Governor of Gujarat is satisfied that cir-  
cumstances exist which render it necessary for him to take immediate  
action to amend the Gujarat Town Planning and Urban Development  
Act, 1976:

President's  
Act No. 27  
of 1976.

**NOW, THEREFORE**, in exercise of the powers conferred on  
him by clause (1) of article 213 of the Constitution of India, the Governor  
of Gujarat is hereby pleased to make and promulgate the following  
Ordinance, namely :—

1. **Short title and commencement.** — (1) This Ordinance may be called the Gujarat Town Planning and Urban Development (Amendment) Ordinance, 2001.

(2) It shall come into force at once.

2. **President's Act No. 27 of 1976 to be temporarily amended.** — During the period of operation of this Ordinance, the Gujarat Town Planning and Urban Development Act, 1976 (hereinafter referred to as "the principal Act") shall have effect subject to the amendment specified in section 3.

President's  
Act No. 27  
of 1976.

3. **Amendment of section 5 of President's Act No. 27 of 1976.** — In the principal Act, in section 5, after sub-section (3) the following sub-section shall be inserted, namely :—

"(3A) The State Government, to deal with the situation causing out of natural calamity or disaster, may by notification, constitute or reconstitute any existing area development authority constituted under sub-section (3), for any development area notified under section 3, consisting of such members as it deems fit."

**STATEMENT**

Under the provision of section 5 of the Gujarat Town Planning and Urban Development Act, 1976, the State Government is empowered for constitution of area development authority for the development areas declared under section 3.

Recently, a grave situation has arisen out of the devastating earthquake wherein the urban areas need to be provided with specialised and modern planning to cope with the requirements of seismic safeguards etc., in the development plans. At the same time, there is need for incorporating experts in the constitution of area development authorities to make the constitution of area development authorities capable to deal with the situation. The very constitution of the area development authority in sub-section (3) of section 5 of the said Act, need to be changed by either constituting or reconstituting the area development authority consisting of members in a manner to deal more effectively with the situation arising out of the natural calamity or disaster. It is, therefore, considered necessary to amend the existing provision relating to constitution of area development authority of the said Act.

As the Gujarat Legislative Assembly is not in session, this Ordinance is promulgated to amend the said Act to achieve the aforesaid object.

Gandhinagar,  
Dated the 27th April, 2001.

**SUNDAR SINGH BHANDARI,**  
Governor of Gujarat.

By order and in the name of the Governor of Gujarat,

**DR. MANJULA SUBRAMANIAM**  
Principal Secretary to Government.



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# The Gujarat Government Gazette

## EXTRAORDINARY

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### PART - IV

#### Acts of the Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 27th April, 2001 is hereby published for general information.

V. M. Kothare,

Secretary to the Government of Gujarat,  
Legislative and Parliamentary Affairs Department.

#### GUJARAT ACT NO. 11 OF 2001.

(First Published, after having received the assent of the Governor in the "*Gujarat Government Gazette*" on the 28th/April, 2001.

#### AN ACT

to provide for regulation of transmission, supply and distribution of gas, in the interests of general public and to promote gas industry in the State and for that purpose to establish Gujarat Gas Regulatory Authority and for matters connected therewith or incidental thereto.

It is hereby enacted in the Fifty-second Year of the Republic of India as follows:—

#### CHAPTER I

#### PRELIMINARY

1. (1) This Act may be called the Gujarat Gas (Regulation of Transmission, Supply and Distribution) Act, 2001.
- (2) It extends to the whole of the State of Gujarat.
- (3) This section shall be deemed to have come into force on 19th December, 2000 and the remaining provisions shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Short title,  
extent and  
commence-  
ment.

**Definitions.**

2. In this Act, unless the context otherwise requires,—

- (a) "Authority" means the Gujarat Gas Regulatory Authority established under section 4;
- (b) "bulk consumer" means a person who consumes gas exceeding twenty-five thousand cubic metres per day;
- (c) "Chairperson" means the Chairperson of the Authority;
- (d) "Commissioner" means the Commissioner of Gas appointed under section 3;
- (e) "committee" means the committee constituted under section 11;
- (f) "common carrier" means the basis of arrangements by which an access has to be provided to any person for the transmission and distribution of gas through pipelines;
- (g) "distribution" means distribution of gas at a low pressure by means of pipelines to a consumer other than a bulk consumer;
- (h) "gas" means a matter in gaseous state which predominantly consists of methane;
- (i) "high pressure" means such pressure as the State Government may, from time to time, by notification in the *Official Gazette*, specify in terms of kilograms per square centimeter;
- (j) "licence" means a licence granted under section 26;
- (k) "licensee" means a person holding a licence;
- (l) "low pressure" means such pressure as the State Government may, from time to time, by notification in the *Official Gazette*, specify in terms of kilograms per square centimeter;
- (m) "member" means a member of the Authority and includes the Chairperson;
- (n) "pipeline corridors" means pipelines laid or to be laid together with sufficient adjacent land;
- (o) "prescribed" means prescribed by rules;
- (p) "regulations" means regulations made under this Act;
- (q) "rules" means rules made under this Act;
- (r) "specified company" means such company or companies the main object of which is the transmission of gas as the State Government may, by notification in the *Official Gazette*, specify;
- (s) "supplier" means a person who supplies gas;
- (t) "supply" means supply of gas by means of pipelines but does not include distribution;
- (u) "transmission" means transmission of gas at a high pressure by means of pipelines; and
- (v) "Tribunal" means the Tribunal constituted under section 30.

## CHAPTER II

## COMMISSIONER OF GAS

3. (1) The State Government may, by notification in the *Official Gazette*, appoint an officer to be the Commissioner, who shall exercise such powers and perform such functions and duties as are conferred or imposed on him by or under this Act. Commissioner.
- (2) The Commissioner shall exercise the powers and perform the functions and duties conferred or imposed on him under this Act, subject to the control of the State Government.
- (3) To assist the Commissioner in exercising his powers and performance of his functions and duties under this Act, the State Government may appoint such officers and persons and give them such designation (if any), as the State Government thinks necessary.

## CHAPTER III

## ESTABLISHMENT AND CONSTITUTION OF AUTHORITY

4. (1) The State Government shall, by notification in the *Official Gazette*, establish an Authority by the name of the Gujarat Gas Regulatory Authority with effect from such date as may be specified in the notification. Establishment and incorporation of Authority.
- (2) The Authority shall be a body corporate with perpetual succession and common seal and may sue or be sued in its corporate name and shall, subject to the provisions of this Act, be competent to acquire, hold or dispose of property, both movable and immovable, and to contract and do all things necessary for the purposes of this Act.
5. The headquarters of the Authority shall be at Ahmedabad or at such other place as the State Government may, by a notification in the *Official Gazette*, specify. Headquarters of Authority.
6. (1) The Authority shall consist of a Chairperson and two other members to be appointed by the State Government. Constitution of Authority.
- (2) Out of the three members —
  - (a) one shall be a person who has special knowledge and professional experience in the field of engineering related to transmission, supply or distribution of gas or designing, laying and operating of pipelines therefor,
  - (b) one shall be a person who has special knowledge and professional experience in the field of administration, economics, commerce, finance, law or management,
  - (c) one shall be a person who possesses qualifications either under clause (a) or (b).
- (3) A member of the Authority shall render whole time service and shall not hold any other office during the tenure of his office.
7. (1) The chairperson and the other members shall hold office for a period of three years from the date on which he enters upon his office or until he attains the age of sixty-five years, whichever period is less. Term of office and conditions of service of members.
- (2) The salary and allowances payable to and other conditions of service of a member shall be such as may be prescribed :

Provided that the salary and allowances and other conditions of service of a member shall not be varied to his disadvantage during the tenure of his office.

Filling up of vacancies.

8.

On occurrence of any vacancy in the office of a member on account of death, resignation or any other reason, the same shall be filled in by the State Government in the manner provided in section 6.

Disqualifications.

9.

A person shall be disqualified for being appointed or being a member of the Authority if, such person—

- (a) is a member of Parliament or of any States Legislature or of any local authority;
- (b) is a member of a political party;
- (c) is, or at any time, has been adjudged an insolvent or has suspended payment of his debts or has compounded with his creditors;
- (d) is of unsound mind and stands so declared by a competent court;
- (e) is, or has been convicted of any offence which, in the opinion of the State Government involves moral turpitude;
- (f) has either directly or indirectly any financial or other interest which is likely to affect prejudicially his functioning as a member; or
- (g) has either directly or indirectly any financial or other interest in —
  - (i) transmission, supply or distribution of gas;
  - (ii) production, sale or supply of gas whether used in any industry or not;
  - (iii) manufacture of, or any dealings in, plant and machinery, equipments, apparatus, or fittings for the matters specified in sub-clause (i), or
  - (iv) any body which provides professional services in relation to matters specified in sub-clauses (i), (ii) and (iii).

Removal and resignation of member.

10. (1)

Notwithstanding anything contained in sub-section (1) of section 7, the State Government may, at any time, remove any member from office, if, in its opinion, such member—

- (a) is or has become, subject to any of the disqualifications mentioned in section 9;
- (b) has been guilty of misconduct in discharge of his duties;
- (c) has become physically or mentally incapable of discharging his duties as a member;
- (d) has so abused his position as to render his continuance in office prejudicial to public interest, or
- (e) has without reasonable cause refused or failed to perform his duties for a period of not less than three months:

Provided that no member shall be removed from his office—

- (i) on the ground specified in clause (f) or (g) of section 9 or clause (b), (c) or (d) of sub-section (1), unless the committee on a reference made to it in this behalf by

the State Government, has after an inquiry including an opportunity of being heard to the member, reported that the member is liable to be removed on such ground;

(ii) on any other ground, unless an opportunity of being heard is given to the member.

(2) A member in respect of whom a reference has been made under clause (i) of the proviso to sub-section (1) shall not perform his functions as a member until the State Government removes the member from his office or decides not to remove the member from his office, on receipt of the report of the Committee on such reference.

(3) A member may resign from his office by giving notice in writing, for such period as may be prescribed, to the State Government, and on such resignation being accepted by the State Government, he shall be deemed to have vacated his office.

11. (1) For the purpose of section 10, the State Government may, by notification in the *Official Gazette*, constitute a committee consisting of not less than three members who shall be officers of a rank not below that of a Secretary to the State Government to be nominated by the State Government, *ex-officio*.

Committee  
for inquiry.

(2) The member who is senior most in service shall be the Chairman of the committee.

(3) The committee shall follow such procedure for disposal of its business as may be prescribed.

12. A person who ceases to be a member shall not —

(a) be entitled to appear for a period of three years in any proceedings before the Authority as a representative of any person from the date of such cesser;

(b) acquire either directly or indirectly any financial or other interest of the nature specified in clause (g) of section 9 for a period of two years from the date of such cesser;

(c) accept employment in a company or its subsidiary, which carries on the business of transmission or distribution, for a period of three years from the date of such cesser.

Prohibition of  
appearance  
before  
Authority etc.  
on ceasing to  
be a member.

*Explanation.*—For the purpose of this clause, the expression 'company' shall have the same meaning as assigned to it in clause (a) of Explanation to section 36.

13. (1) The Authority shall meet at such time and such place and shall, subject to sub-sections (2) and (3), observe such rules of procedure in regard to transaction of its business at its meetings (including the quorum at such meetings) as may be provided by the regulations.

Meetings of  
Authority.

(2) If the Chairperson is for any reason unable to attend a meeting of the Authority, the other member shall preside at the meeting.

(3) All the questions at a meeting of the Authority shall be decided by a majority of the members present and voting, and in case of an equality of votes, the Chairperson or in his absence, the person presiding, shall have and exercise a second or casting vote.

- Officers and employees of Authority.** 14. (1) The Authority may, with the approval of the State Government, determine such number and category of officers and employees as it considers necessary for the efficient performance of its functions.
- (2) The manner of recruitment of, the salary and allowances payable to, and other conditions of service of officers and employees, shall be such as may be determined by the regulations.
- Consultants.** 15. The Authority may, for the purpose of enabling it to perform its functions, appoint consultants on such terms and conditions as may be determined by the regulations.
- Acts and proceedings presumed to be valid.** 16. (1) No act or proceeding of the Authority shall be questioned or be invalid on the ground merely of the existence of any vacancy in, or any defect, in the constitution of the Authority.
- (2) No act done by any person acting in good faith as a member shall be deemed to be invalid merely on the ground that he was disqualified to be a member or that there was any other defect in his appointment.

#### CHAPTER IV

#### FUNCTIONS AND POWERS OF AUTHORITY

- Functions of Authority.** 17. Subject to the provisions of this Act, the Authority shall perform the following functions, namely :—
- (a) to regulate transmission, supply and distribution of gas in the State and laying of pipelines therefor,
  - (b) to promote gas industry in the State in accordance with the direction given by the State Government,
  - (c) to give direction to a licensee for ensuring compliance of terms and conditions of a licence held by him,
  - (d) to regulate the charges for transmission,
  - (e) to promote efficiency, economy and safety in the use of gas in the State,
  - (f) to give direction to a supplier or bulk consumer for ensuring compliance by him of the standards of safety, operation and environment for supply or bulk consumption of gas,
  - (g) to set and enforce standards of safety, operation and environment for transmission, supply and distribution and bulk consumption of gas,
  - (h) to lay down by regulations the principles of common carrier for transmission and distribution and to enforce the same,
  - (i) to adjudicate upon the disputes and difference amongst licensees and a suppliers, or between the specified company and a licensee or a supplier or between a supplier and a person who buys gas from supplier and to refer matters for arbitration if considered necessary, in accordance with the provisions of this Act,
  - (j) to hold, wherever necessary, an inquiry in accordance with such procedure as may be prescribed,

- (k) to advise the State Government on matters relating to transmission, supply and distribution of gas in the State, and
- (l) to perform such other functions as may be prescribed or as are supplemental, incidental or consequential to any of the functions entrusted to it by or under this Act.
18. (1) The Authority shall, for the purposes of any inquiry under this Act, have the powers of a civil court while trying a suit, in respect of the following matters, namely :—
- Powers of Authority.
- (a) summoning and enforcing the attendance of any witness and examining him on oath,
- (b) requiring the discovery and production of any document or other material object producible as evidence,
- (c) receiving of evidence on affidavits,
- (d) requisitioning of any public record or a copy thereof from any court or office,
- (e) issuing commissions for examination of witnesses or documents,
- (f) reviewing of its decisions, directions and orders, and
- (g) any other matter which may be prescribed.
- (2) The Authority shall have powers to pass such interim order in any matter before it, as it may consider appropriate.
- (3) Where the Authority is of opinion that it is necessary so to do for the purposes of this Act, it may require by an order in writing to a specified company or any person—
- (a) to produce before, or to allow to be examined by, an officer specified in the said order such books, accounts or other documents in the custody or control of that company or person, relating to any matter concerning the transmission, supply or distribution or laying of pipelines therefor as may be specified in the order, and
- (b) to furnish to the officer specified in the order such information in its or his possession, power or control as may be specified in the order.
- (4) The Authority may require a specified company or any person —
- (a) to produce before or to allow to be examined by an officer of the Authority authorised by it in this behalf, such books, accounts or other documents relating to the functioning of the company engaged in transmission of gas or of any undertaking engaged in supply, distribution or use of gas, in the custody or under the control of such company or person,
- (b) to furnish to the authorised officer such information in the possession, power or control of such company or person for the purposes of performance of the functions by the Authority.
- (5) Where during any inquiry or proceeding under this Act, the Authority has reason to believe that any books or accounts or documents of or relating to the specified company engaged in transmission of gas or any person engaged in supply, distribution or use of gas in relation

to which or whom such inquiry is made or proceedings are undertaken are being or may be destroyed, mutilated, altered, falsified or secreted, the Authority may by written order authorise any officer of the Authority to enter and search any place of business of the company or person or any other place where the Authority has reason to believe that the company or person keeps or is for the time being keeping books or accounts or documents and to seize the same and after granting a receipt therefor retain the same for such period so long as is necessary in connection with such inquiry or proceeding.

- (6) The provisions of the Code of Criminal Procedure, 1973 relating to searches and seizures shall apply, so far as may be, to the searches and seizures made under sub-section (5). 2 of 1974.
- (7) The Authority may, by a general or special order call upon a specified company or any person to furnish to the Authority periodically or, as and when required, any information concerning its or his activities related to transmission, supply, distribution of gas or laying of pipelines therefor or use of gas.
- (8) The Authority may, for the purpose of placing gas pipelines, appliances and apparatus, by an order, confer—
- (i) upon a specified company for transmission, and
  - (ii) upon a licensee or any other person for supply and distribution, any of the powers which the telegraph authority possesses under the Indian Telegraph Act, 1885 with respect to placing of telegraph lines and posts subject to such conditions as the Authority may specify in such order. 13 of 1885.

## CHAPTER V

### FINANCE, ACCOUNTS, AUDIT AND REPORTS

- |                                  |     |   |
|----------------------------------|-----|---|
| Fund of Authority.               | 19. | <p>(1) The Authority shall have its own fund and all receipts of the Authority shall be carried thereto and all payments by the Authority shall be made therefrom.</p> <p>(2) The Authority may accept grants and subventions from the State Government or a local authority for the purposes of this Act.</p> <p>(3) The Authority may spend such sums as it thinks fit for the performance of its functions under this Act and such sums shall be treated as expenditure payable out of the Fund of the Authority.</p> <p>(4) All moneys belonging to the Fund of the Authority shall be deposited in such bank or invested in Government securities or in such other manner, as the State Government may, by general or special order, direct.</p> |
| Budget of Authority.             | 20. | <p>The Authority shall prepare, in such form and at such time in each financial year, as may be prescribed, its budget for the next financial year, showing the estimated receipts and expenditure of the Authority and forward the same to the State Government.</p>   |
| Accounts and audit of Authority. | 21. | <p>(1) The Authority shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form as may be prescribed, in consultation with the Comptroller and Auditor-General of India.</p>  |

- (2) The accounts of the Authority shall be audited by the Comptroller and Auditor-General at such intervals as may be specified by him and any expenditure incurred in connection with such audit shall be payable by the Authority to the Comptroller and Auditor-General.
  - (3) The Comptroller and Auditor-General and any person appointed by him in connection with the audit of the accounts of the Authority under this Act shall have the same rights and privileges and authority in connection with such audit as the Comptroller and Auditor-General generally has in connection with the audit of Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect any of the offices of the Authority.
  - (4) The accounts of the Authority, as certified by the Comptroller and Auditor-General or any other person appointed by him in this behalf, together with the audit report thereon shall be forwarded annually to the State Government by the Authority and the State Government shall cause the audit report to be laid, as soon as may be, after it is received, before the State Legislature.
22. (1) The Authority shall prepare once in every year in such form and at such time, as may be prescribed, an annual report including a summary of its activities during the previous year and copies of the report shall be forwarded to the State Government. Annual report of Authority.
- (2) A copy of the report received under sub-section (1) shall be laid, as soon as may be, after it is received, before the State Legislature.

## CHAPTER VI

### TRANSMISSION OF GAS

23. (1) (a) No person other than a specified company and a person referred to in sub-section (1) of section 55 shall carry on the business of transmission in the State. Specified company to transmit gas in State.
- (b) Subject to the rules, if any, a specified company shall carry on the business of transmission in the State.
- (2) Without prejudice to the generality of the provision contained in sub-section (1), but subject to the other provisions of this Act, a specified company shall,—
- (a) establish or cause to be established a transmission system (which shall include laying of pipelines) for conveyance of gas on the principle of common carrier and operate or cause to be operated the same,
  - (b) determine transmission charges,
  - (c) plan and develop pipeline corridors for transmission system in the State, and
  - (d) maintain such standards of efficiency, economy and safety in relation to its business of transmission as laid down by the Authority.

Specified  
company  
only to  
carry on  
business of  
transmission  
of gas.

24. Except to the extent otherwise expressly provided in sub-section (1) of section 55, on and with effect from the date of coming into force the remaining provisions of this Act, the specified company only shall carry on the business of transmission in the State.

## CHAPTER VII

### LICENSING OF DISTRIBUTION OF GAS

Prohibition  
on  
distribution  
without  
licence.

25. (1) No person shall carry on business of distribution in the State, except under a licence granted under this Act.  
(2) No person shall lay pipelines for distribution in the State unless he is a licensee.

Grant of  
licence.

26. (1) (a) A person may make an application to the Commissioner for grant of a licence for carrying on the business of distribution.  
(b) A person carrying on the business of distribution on the date of coming into force the remaining provisions of this Act( hereinafter referred to 'as the said date' ) shall, within three months from the said date, make an application to the Commissioner for grant of a licence for carrying on the business of distribution, and

(i) a person who makes such an application shall be deemed to have been authorised to carry on such business from the said date till the date on which he is either granted or refused a licence,

(ii) a person who does not make such application within the said period of three months shall be deemed to be carrying on business of distribution without a licence.

- (2) Every application under sub-section (1) shall be made in such form, and shall contain such particulars; including those regarding the competency of the applicant to undertake the business of distribution and accompanied by such fees, as may be prescribed.  
(3) The Commissioner may grant a licence to the applicant in such form containing such terms and conditions and on payment of such fees, as may be prescribed.  
(4) For the purpose of granting a licence under sub-section (3), the Commissioner shall, so far as may be, follow the procedure of public competitive bidding laid down in the Gujarat Infrastructure Development Act, 1999.  
(5) Unless it is specifically provided in the terms of a licence, the grant of a licence to a person shall not in anyway hinder or restrict the power of the Commissioner to grant a licence to another person in respect of the same area of distribution and the licensee shall not be entitled to claim any exclusivity.

Guj. 11 of  
1999.

27. Where in its opinion, the public interest so requires, the State Government may on the application of a licensee, direct the Commissioner to make such amendments in the terms and conditions of a licence as it thinks fit having regard to the objects and purposes of this Act and the Commissioner shall make amendments in the licence accordingly. **Amendment of licence.**
28. If the Commissioner is satisfied either on a reference made to it or otherwise that— **Revocation and suspension of licence.**
- (a) a licence granted under section 26 has been obtained by misrepresentation as to an essential fact, or
  - (b) the licensee has, without reasonable cause, failed to comply with the conditions subject to which the licence has been granted or has contravened any of the provisions of this Act or the rules or the regulations made thereunder, then without prejudice to any other penalty to which the licensee may be liable under this Act, the Commissioner may, after giving the licensee an opportunity of showing cause—
    - (i) revoke the licence on the ground stated in clause (a), or
    - (ii) revoke the licence or forfeit the sum, if any, or any portion thereof deposited as security for due performance of the conditions subject to which the licence has been granted, on the ground stated in clause (b), or
    - (iii) suspend the licence for such period as he thinks fit, on the ground stated in clause (b).

## CHAPTER VIII

### ARBITRATION AND APPEALS

29. (1) (a) Any dispute arising between a specified company and a licensee or between licensees or between a person who supplies gas and a person who buys gas from him, shall be referred to the Authority. **Arbitration by Authority.**
- (b) The Authority may adjudicate the matter or nominate a person to adjudicate and settle such dispute.
  - (c) The procedure to be followed in connection with such adjudication shall be such as may be prescribed by the regulations.
- (2) Where an adjudication is made by the nominee appointed by the Authority, it shall be filed before the Authority and the Authority shall pass such order as deemed fit including an order—
- (a) confirming and enforcing the adjudication,
  - (b) setting aside or modifying the adjudication, or
  - (c) remitting the adjudication to the nominee for reconsideration.
- (3) The adjudication made by the Authority under sub-section (1) or an order passed by the Authority under sub-section (2) shall be enforceable as if it were a decree of a civil court.
- (4) The Authority or, as the case may be, a nominee may, at any time before the commencement or during the pendency of proceedings under sub-section (1), make such interim order as the Authority or, as the case may be, the nominee deems fit.

**Constitution of Tribunal.**

30. (1) The State Government shall constitute a Tribunal to be called the Gujarat Gas Tribunal to discharge the functions conferred on the Tribunal by or under this Act.
- (2) The Tribunal shall consist of two members who shall be appointed by the State Government, out of whom—
- (a) one shall be a person who is or has been a Judge of the High Court, and
  - (b) one shall be a person who is or has held the post not below the rank of the Secretary to the State Government.
- (3) The term of office and conditions of service of the members of the Tribunal shall be such as may be prescribed.
- (4) The State Government may terminate the appointment of the member of the Tribunal before the expiry of the term of his office if such member,—
- (a) is adjudged an insolvent, or
  - (b) engages during his term of office in any paid employment outside the duties of his office, or
  - (c) is or becomes in any way concerned or interested in any contract or agreement made by or on behalf of the State Government or participates in any way in the profit thereof or in any benefit or emoluments arising therefrom otherwise than as a member, or
  - (d) is in the opinion of the State Government, unfit to continue in office by reason of infirmity of mind or body, or
  - (e) is convicted of an offence involving moral turpitude.
- (5) Subject to such conditions and limitations as may be prescribed, the Tribunal shall have power to award cost and the amount of such costs shall be recoverable from the person ordered to pay the same as arrears of land revenue.
- (6) Subject to the previous sanction of the State Government, the Tribunal shall, for the purpose of regulating its procedure (including the place or places at which the Tribunal shall sit) and the disposal of its business, make regulations consistent with the provisions of this Act and rules made thereunder.
- (7) The regulations made under sub-section (6) shall be published in the *Official Gazette*.

**Powers of Tribunal.**

31. (1) For the purpose of exercising its jurisdiction under this Act, the Tribunal shall have the same powers as are vested in the civil court under the Code of Civil Procedure, 1908 in respect of the following matters, namely :—
- (a) summoning and enforcing the attendance of any person and examining him on oath;
  - (b) requiring the discovery and production of documents;
  - (c) issuing commissions for the examination of witnesses;
  - (d) such other matters as may be prescribed.
- (2) The Tribunal shall be deemed to be a court for the purpose of section 5 of the Limitation Act, 1963.

5 of 1908.

XXXVI of  
1963.

32. (1) An appeal shall lie to the Tribunal against the following orders and award, namely:—

Appeals.

- (a) an order refusing to grant a licence under section 26,
- (b) an order revoking or suspending a licence or forfeiting the sum of deposit under section 28,
- (c) an award made by the Authority under sub-section (1) or an order passed by the Authority under sub-section (2) of section 29.

(2) No appeal shall be entertained unless it is filed within a period of sixty days from the date of communication of the order or award.

(3) The Tribunal may admit an appeal after the period of limitation specified in sub-section (2), if the appellant satisfies the Tribunal that he had sufficient cause for not filing appeal within such period.

(4) In computing the period of limitation, the provisions of sections 4 and 12 of the Limitation Act, 1963 shall, so far as may be, apply.

(5) Notwithstanding anything contained in the Bombay Court Fees Act, 1959, an appeal under this section shall bear a court fee stamp of such value as may be prescribed.

XXXVI of  
1963.

Bom.  
XXXVI  
of 1959.

33. (1) No civil court shall have jurisdiction to deal with or decide any question which the State Government, the Authority or any officer appointed by the Authority or the Commissioner or the Tribunal is empowered to deal with or decide by or under this Act.

Bar of  
jurisdiction  
of civil  
court.

(2) No order passed under this Act or any rules or regulations made thereunder by the State Government, the Authority or any officer appointed by the Authority, the Commissioner or by the Tribunal, shall be called in question in any civil court.

## CHAPTER IX

### OFFENCES AND PENALTIES

34. (1) Whoever carries on business of transmission in contravention of clause (a) of sub-section (1) of section 23 or of clause (a) or (b) of sub-section (2) of section 55, or

Penalty for  
contraven-  
tion of  
provisions of  
sections 23,  
25 and 55.

(2) Whoever carries on business of distribution or lays pipelines for such distribution without a licence in contravention of section 25,

shall on conviction, be punished with imprisonment which may extend to six months or with fine not exceeding five lakhs of rupees or with both and in the case of a continuing offence with an additional fine not exceeding twenty thousand rupees for every day after the first, during which the offence continues.

35. Where a licensee, supplier, bulk consumer or any other person fails without any reasonable cause, to comply with any order, direction or requisition lawfully made or given under any provision of this Act or any rules or regulations made thereunder, he shall, on conviction be punished with imprisonment which may extend to three months or with fine not exceeding two lakhs of rupees or with both and in the case of a continuing offence with an additional fine not exceeding ten thousand rupees for everyday after the first, during which the offence continues.

General  
penalty.

Offences by  
companies.

36. (1) Where an offence under this Act has been committed by a company, every person who, at the time the offence was committed, was in charge of, and was responsible to the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided under this Act if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

- (2) Notwithstanding anything contained in sub-section (1), where an offence under this Act, has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

*Explanation.*—For the purposes of this section —

- (a) “company” means a body corporate and includes a firm or other association of individuals ; and  
(b) “director” in relation to a firm, means a partner in the firm.

Cognisance  
of offences.

37. (1) No court shall take cognisance of any offence punishable under this Act except on a report in writing of the facts constituting such offence made by an officer of the Authority generally or specially authorised by it in this behalf.

- (2) Notwithstanding anything contained in section 200 of the Code of Criminal Procedure, 1973, it shall not be necessary to examine the authorised officer of the Authority when cognisance of an offence is taken on a report of such officer under sub-section (1).

2 of 1974.

Jurisdiction  
of court.

38. No court inferior to that of a Metropolitan Magistrate or a Magistrate of the First Class shall try an offence punishable under this Act.

Compounding  
of offences.

39. (1) The Commissioner may, either before or after the institution of proceeding for any offence punishable under section 34 or 35 or under any rules or regulations accept from any person charged with such offence by way of composition of the offence, a sum not exceeding the maximum penalty of fine with which the offence is punishable.

- (2) On payment of such sum, as may be determined by the Commissioner under sub-section (1), no further proceedings shall be taken against the accused person in respect of the same offence.

## CHAPTER X

## MISCELLANEOUS

40. (1) The Authority may, in consultation with the specified company and licensees and, if deemed fit, with such other persons as it thinks necessary, by an order —

Standards  
of  
performance.

(a) lay down—

(i) such standards of overall performance in connection with transmission and distribution as in its opinion is necessary for a specified company or, as the case may be, a licensee to achieve,

(ii) such standards in connection with efficient use of gas by consumers as in its opinion are necessary,

(b) prescribe operation codes including network code to be complied with by a specified company, licensees and suppliers,

(c) prescribe safety regulations for operation of transmission system and distribution system and use of gas.

- (2) The order made under sub-section (1) shall be published in such manner as the Authority thinks fit.

41. The Authority may in consultation with licensees and if deemed fit, with such other persons as it thinks necessary, prescribe by regulations the circumstances in which the licensees shall inform the consumers of gas of their rights in relation to distribution to them and compensation to be paid by the licensees to the consumers for any delay or default committed by the licensees in distribution to consumers.

Information  
on standards  
of  
performance.

42. (1) The Authority may, from time to time, collect information with respect to—

Information  
with respect  
to level of  
performance.

(a) the fines or penalties levied on licensees under this Act, and

(b) the levels of performance achieved by a specified company in connection with the transmission and by the licensees in connection with distribution and efficient use of gas by consumers.

- (2) For the purposes of sub-section (1), each licensee shall, on or before such date in each year as may be specified by the Authority in a direction issued in that behalf, furnish to the Authority, the following information with respect to each standard laid down under clause (a) of sub-section (1) of section 40, namely:—

(a) the number of cases in which penalties are levied and the aggregate value thereof, and

(b) such information regarding the level of performance achieved by a licensee as required by the direction.

- (3) The Authority may, not less than once in every year, publish in such form and in such manner as it may deem fit, such of the information collected by it or furnished to it under this section.

Information relating to financial matters.

43. (1) The Authority may by notice in newspapers or in such other manner as in its opinion best calculated, call upon all persons carrying on the business of transmission, distribution or supply, or any class of them, to furnish such information or returns as may be stated therein relating to their financial matters.

(2) The form in which the information or returns shall be furnished, the particulars which they shall contain and intervals at which they shall be furnished, shall be such as may be prescribed by the regulations.

Restriction on disclosure of information.

44. (1) Subject to the provisions of this Act, no information relating to business of transmission, supply or distribution of gas carried on by any person shall be disclosed by the Authority without the consent of the person so long as the business is carried on, if such information—

(a) is obtained by the Authority by or under this Act, and

(b) is confidential in nature.

(2) The restriction imposed by sub-section (1) shall not apply to the disclosure of information—

(a) in any suit, prosecution or other legal proceeding,

(b) for the purpose of the State,

(c) before any authority established by law,

(d) in public interest, or

(e) in the annual report referred to in section 22.

Recovery of fees, fines and charges.

45. The fees, fines, charges and such other sums due to the Authority under this Act shall be recoverable as arrears of land revenue.

Application of fines and charges.

46. The Authority imposing fine under this Act may direct that the whole or any part thereof shall be applied towards payment of the costs of the proceedings.

Proceedings before Authority and Tribunal.

47. All proceedings before the Authority and the Tribunal shall be deemed to be judicial proceedings within the meaning of sections 193 and 228 and for the purpose of section 196 of the Indian Penal Code.

XLV of 1860.

Members, officers and employees of Authority to be public servant.

48. All members and officers and employees of the Authority, the Commissioner and all officers and persons appointed under section 3 to assist him and all members of the Tribunal shall, when acting or purporting to act in pursuance of the provisions of this Act, or any rules or regulations made thereunder, be deemed to be public servant within the meaning of section 21 of the Indian Penal Code.

XLV of 1860.

Protection of action taken in good faith.

49. No suit, prosecution or other legal proceeding shall lie against the Authority or any member, officer or employee of the Authority and the Commissioner and officers and persons appointed under section 3 to assist him for anything which is in good faith done or intended to be done in pursuance of the provisions of this Act, or any rules or regulations made thereunder.

50. (1) In performance of its functions under this Act, the Authority and the Commissioner shall be bound by such directions on questions of policy as the State Government may give in writing to it from time to time:

Power of State Government to give directions to Authority.

Provided that the Authority shall be given an opportunity to express its views before any direction is given under this sub-section.

- (2) The decision of the State Government whether the question is of a policy or not, shall be final.

51. (1) The State Government may, by notification in the *Official Gazette*, make rules for carrying out the purposes of this Act.

Power of State Government to make rules.

- (2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely: -

- (a) the salary, allowances and other conditions of service of the members under sub-section (2) of section 7;
- (b) the period of notice to be given under sub-section (3) of section 10;
- (c) the procedure to be followed by the Committee for disposal of its business under sub-section (3) of section 11;
- (d) the procedure in accordance with which an inquiry shall be held under clause (j) of section 17;
- (e) the other functions to be performed by the Authority under clause (l) of section 17;
- (f) the other matter in respect of which the Authority shall have power of a civil court under clause (g) of sub-section (1) of section 18;
- (g) the form in which and the time at which the Authority shall prepare its budget under section 20;
- (h) the form in which an annual statement of accounts shall be prepared by the Authority under sub-section (1) of section 21;
- (i) the form in which and the time at which the Authority shall prepare its annual report under sub-section (1) of section 22;
- (j) the rules subject to which a specified company shall carry on the business of transmission in the State under clause (b) of sub-section (1) of section 23;
- (k) the form in which an application shall be made and the particulars which it shall contain and the fees with which it shall be accompanied under sub-section (2) of section 26;
- (l) the form in which and the terms and conditions subject to which a licence shall be granted and fees to be paid therefor under sub-section (3) of section 26;
- (m) the value of court fee stamp which an appeal shall bear under sub-section (5) of section 32; and
- (n) any other matter which has to be, or may be, prescribed under this Act.

- (3) In making rules under this section, the State Government may direct that a breach thereof shall be punished with fine not exceeding five lakhs of rupees and when the breach is a continuing one, with fine not exceeding twenty thousand rupees for every day during which the breach continues after conviction for the first breach.
- (4) All rules made under this section shall be laid for not less than thirty days before the State Legislature as soon as possible after they are made and shall be subject to rescission by the State Legislature or to such modification as the State Legislature may make during the session in which they are so laid or the session immediately following.
- (5) Any rescission or modification so made by the State Legislature shall be published in the *Official Gazette*, and shall thereupon take effect.

Power to  
make  
regulations.

52. (1) The Authority may, with the previous approval of the State Government, by notification in the *Official Gazette*, make regulations not inconsistent with this Act and the rules made thereunder, for enabling it to perform its functions under this Act.
- (2) In particular and without prejudice to the generality of the foregoing provision, such regulations may provide for all or any of the following matters, namely: —
- (a) the time and place of the meetings of the Authority, the procedure to be followed in regard to the transaction of its business at such meetings and the quorum necessary for transaction of business at meetings under sub-section (1) of section 13,
  - (b) the manner of recruitment of , the salary and allowances payable to, and other conditions of service of officers and employees of the Authority under sub-section (2) of section 14,
  - (c) the terms and conditions of appointment of consultants under section 15,
  - (d) the principles of common carrier for transmission and distribution under section 17,
  - (e) the circumstances in which licensees shall inform the consumers of gas about their rights and compensation to be paid under section 41, and
  - (f) the form in which the information or return shall be furnished, the particulars which they shall contain and intervals at which they shall be furnished under sub-section (2) of section 43.
- (3) In making regulations under this section, the Authority may direct that a breach thereof shall be punished with fine not exceeding five lakhs of rupees and when the breach is a continuing one, with fine not exceeding twenty thousand rupees for every day during which the breach continues after conviction for the first breach.
- (4) All regulations made under this section shall be laid for not less than thirty days before the State Legislature as soon as possible after they are made and shall be subject to rescission by the State Legislature or to such modification as the State Legislature may

make during the session in which they are so laid or the session immediately following.

- (5) Any rescission or modification so made by the State Legislature shall be published in the *Official Gazette*, and shall thereupon take effect.

53. If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order published in the *Official Gazette*, make such provision, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulty:

Power to remove difficulties.

Provided that no such order shall be made under this section after the expiry of three years from the commencement of this Act.

54. (1) Until the Gujarat Gas Regulatory Authority is duly established and constituted under this Act for the first time, its functions and powers under this Act shall be performed and exercised by the State Government or such officer as may be authorised by the State Government by notification in the *Official Gazette*.

Transitional provision.

- (2) Anything done or any action taken by the State Government or the officer so authorised in the performance of the functions or the exercise of the powers of the Authority under sub-section (1), shall be binding on the Authority when it is so established and constituted.

55. (1) Any person who has been carrying on the business of transmission at any pressure in the State before the date of commencement of this Act (hereinafter in this section referred to as "the commencement date") may subject to the provisions of this Act continue to carry on the business of transmission on or after the commencement date so however that—

Savings.

- (a) he shall not lay any pipeline in addition to those existing immediately before the commencement date; and

- (b) where the quantum of gas which he transmits on or after the commencement date by means of pipelines existing before the commencement date exceeds the quantum of gas transmitted by him on the day immediately before the commencement date—

- (i) the charges for transmitting the excess gas shall be regulated by the Authority, and

- (ii) the transmission of the excess gas shall be based on the principles of common carrier.

- (2) A licensee or a supplier or a bulk consumer may undertake transmission and lay and operate dedicated pipelines therefor subject to the previous approval of a specified company and such regulations which the Authority may make with regard to the standards of safety, operation and environment.

*Explanation.*—For the purpose of this sub-section, the expression "dedicated pipeline" means a pipeline laid and operated by a licensee or by a

supplier or by a bulk consumer for obtaining gas from pipelines operated for transmission by a specified company or a person referred to in sub-section (1).

Repeal and  
savings.

56. (1) The Gujarat Gas (Regulation of Transmission, Supply and Distribution) Ordinance, 2000 is hereby repealed.

Guj. Ord. 7  
of 2000.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under this Act.

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Government Central Press, Gandhinagar.



# The Gujarat Government Gazette EXTRAORDINARY

PUBLISHED BY AUTHORITY

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VOL. XLII] SATURDAY APRIL 28, 2001/ VAISAKHA 8, 1923

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Separate paging is given to this Part in order that it  
may be filed as a Separate Compilation.

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## PART - IV

Acts of the Gujarat Legislature and Ordinances promulgated  
and Regulations made by the Governor.

URBAN DEVELOPMENT AND URBAN HOUSING DEPARTMENT

Sachivalaya, Gandhinagar, Dated the 28th April, 2001.

GUJARAT ORDINANCE NO. 3 OF 2001.

### AN ORDINANCE

*to regularise unauthorised development in urban development  
area or  
development area in the State.*

**WHEREAS** there has been unauthorised development in the  
urban development area or development area in the State;

**AND WHEREAS** numerous buildings have been constructed  
in such areas without permission of a competent authority or in  
contravention of the permission granted therefor;

**AND WHEREAS** such developments are liable to be removed  
and such buildings are liable to be pulled down under the relevant law;

**AND WHEREAS** removal of such developments and pulling down of such buildings is likely to cause hardship to a large number of people;

**AND WHEREAS** it is necessary to regularise the unauthorised development consistent with the safety and security of people;

**AND WHEREAS** Legislative Assembly of the State of Gujarat is not in session;

**AND WHEREAS** the Governor of Gujarat is satisfied that the circumstances exist which render it necessary for him to take immediate action to regularise unauthorised development in urban development area and development area in the State;

**NOW, THEREFORE**, in exercise of the powers conferred on him by clause (1) of article 213 of the Constitution of India, the Governor of Gujarat is hereby pleased to make and promulgate the following Ordinance, namely: —

1. **Short title and commencement.**— (1) This Ordinance may be called, the Gujarat Regularisation of Unauthorised Development Ordinance, 2001.

(2) It shall be deemed to have come into force on the 22<sup>nd</sup> November, 2000..

2. **Definitions.**— (1) In this Ordinance, unless the context otherwise requires,—

(a) “area development authority” means the authority constituted under section 5 of the Gujarat Town Planning and Urban Development Act, 1976 (hereinafter in this section referred to as “the Gujarat Act”);

President's  
Act No. 27 of  
1976.

(b) “Commissioner” shall have the meaning assigned to it in clause (9) of section 2 of the Bombay Provincial Municipal Corporations Act, 1949 (hereinafter in this section referred to as “the Bombay Act”);

Bom. LIX of  
1949.

(c) “designated authority” means the Commissioner, the area development authority or, as the case may be, urban development authority;

- (d) "development" shall have the meaning assigned to it in clause (viii) of section 2 of the Gujarat Act;
- (e) "development area" shall have the meaning assigned to it in clause (ix) of section 2 of the Gujarat Act;
- (f) "prescribed" means prescribed by rules made under section 9;
- (g) "the relevant law" means the Bombay Act or the Gujarat Act or any rules or bye-laws, regulations, standing orders or orders made there under;
- (h) "urban development authority" shall have the meaning assigned to it in clause (xxviii) of section 2 of the Gujarat Act.

(2) Development shall be deemed to be unauthorised if no permission of authority competent to give such permission is obtained therefor or having obtained such permission, the development is in contravention of the relevant law or such permission:

3. ***Regularisation of unauthorised development.*** — (1) (a) A notice issued to a person under the relevant law at any time before the 22<sup>nd</sup> November, 2000 requiring such person to remove or pull down or alter unauthorised development carried out, owned or occupied by him; or

(b) any order issued or decision taken under the relevant law at any time before the date of publication of this Ordinance, directing removal or pulling down or alteration of unauthorised development carried out, owned or occupied by a person,

shall —

- (i) in the case of (a) be deemed to have stood suspended on and with effect from the 22<sup>nd</sup> November, 2000, and
  - (ii) in the case of (b) stand suspended on the date of publication of this Ordinance,
- unless and until such notice, order or decision stands revived under sub-section (5).

(2) (a) Notwithstanding anything contained in the relevant law or in the order issued or the decision taken under the relevant law, directing removal, pulling down or alteration of unauthorised development, where in the opinion of the designated authority—

- (i) a person has, at any time before the 22<sup>nd</sup> November, 2000 carried out any unauthorised development in urban development area or development area, and
- (ii) such unauthorised development may, having regard to the provisions of section 4, be regularised,

the designated authority may, within such period and in such manner, as may be, prescribed, serve on the person a notice requiring him within such period not being less than a month as may be specified therein to comply with such requisitions made under section 4 and specified therein and to pay to the designated authority such fees per square metre of each category of unauthorised development as may, subject to the provisos, be determined by the designated authority and specified therein:

Provided that the designated authority shall fix fees, subject to the maxima and the minima specified in the Table below:

Provided further that different rates of fees may be determined by the designated authority for different categories of unauthorised development in different areas and for different unauthorised uses.

(b) It shall be lawful for the designated authority to form the opinion referred to in clause (a) either on the basis of information available with him or an application made to him by a person who has carried out or who owns or occupies the unauthorised development.

(c) The designated authority, shall, as soon as may be, after service of notice to a person under clause (a), cause the substance thereof to be published for the information of the public, in such manner as may be prescribed.

**TABLE OF FEES**

Category of unauthorised development 1	Maximum and minimum fees per square metre. 2
<b>A. For uses other than commercial.</b>	
1. Margin and set -backs	Not more than Rs. 1200 and not less than Rs.600
2. Floor Space Index	Not more than Rs.2000 and not less than Rs.700
3. Covered projection	Not more than Rs.1100 and not less than Rs.400
4. Change of use	Not more than Rs.1100 and not less than Rs.400
5. Common plot and consolidated open plot.	Not more than Rs.1100 and not less than Rs.400
6. Height of building	Not more than Rs.1200 and not less than Rs.600
<b>B. For commercial use :</b>	(i) Two times of the fees specified in column 2 for ground floor and first floor, (ii) One and half times of the fees specified in column 2 for floors other than those specified in item (i)
<b>C. In land measuring not exceeding one hundred square metres.</b>	Fifty per cent. of the fees specified for use mentioned in clause A or as the case may be clause B.

(3) Upon the compliance of requisitions made under section 4 and specified in the notice, to the satisfaction of the designated authority and on the payment of fees under sub-section (2), such development shall cease to be unauthorised and a certificate to that effect shall be issued to the person by the designated authority in such form as may be prescribed.

(4) An amount deposited by a person with the municipal corporation of a city, the area development authority or, as the case may be, the urban area development authority against unauthorised development shall be set off against the fees to be paid by him under sub-section (2).

(5) Where no notice is served upon a person under sub-section (2) within the period prescribed under that sub-section or where a notice is served upon a person under sub-section (2) but a certificate is not obtained by him under sub-section (3) within such period as may be prescribed, the notice, order or, as the case may be, decision referred to in sub-section (1) shall stand revived.

**4. *Circumstances in which unauthorised development may or may not be regularised.***— (1) An unauthorised development shall not be regularised under sub-section (2) of section 3 in the case where unauthorised development is carried out on any of the following lands, namely:—

- (i) land belonging to Government, local authority or statutory body or land in respect of which a dispute exists in relation to its title or tenure,
- (ii) land allotted by the Government, local authority or statutory body for a specific purpose,
- (iii) land under alignment of roads indicated in development plan or a town planning scheme or under alignment of a public road or an internal road, of approved lay out,
- (iv) land designated or reserved under a development plan or a town planning scheme,
- (v) water courses and water bodies like tank beds, river beds, natural drainage and such other places,
- (vi) areas earmarked for the purpose of obnoxious and hazardous industrial development.

(2) Unauthorised development may not be regularised if it is inconsistent with—

(a) any law other than the Bombay Provincial Municipal Corporations Act, 1949 and the Gujarat Town Planning and Urban Development Act, 1976 and any rules, bye-laws, regulations, standing orders or order made thereunder (hereinafter in clause (b) referred to as “the relevant laws”) for the time being in force relating to control or regulation of development,

(b) fire safety measures under the relevant law subject to the provisions of sub-section (4), and

**Bom. LIX of  
1949.  
President's  
Act No. 27 of  
1976.**

(c) structural stability requirements as per the National Building Code and the Indian Standard Specifications (prescribed by the Bureau of Indian Standards) for the time-being in force:

Provided that a certificate from the structural engineer authorised by the designated authority certifying compliance of provisions of clause (c) is obtained and submitted to that authority.

(3) (a) The designated authority may regularise any unauthorised development in respect of the following matters, namely:—

- (i) Margins and setbacks,
- (ii) Floor space index,
- (iii) Covered projection,
- (iv) Change of use,
- (v) A common plot and a consolidated open plot,
- (vi) Height of a building.

(b) The designated authority may regularise any unauthorised development in so far as parking and sanitary facilities are concerned subject to the following conditions, namely:—

- (i) A person shall provide such necessary parking facilities in unauthorised development and where it is not so feasible, within such distance not exceeding five hundred metres from the unauthorised development as directed by the designated authority within a period of six months from such direction:

Provided that the designated authority may permit provision of parking facilities at a common place by more than one person.

- (ii) A person shall provide such necessary sanitary facilities in unauthorised development as directed by the designated authority within a period of three months from such direction.

(4) Notwithstanding anything contained in clause (b) of sub-section (2), the designated authority may direct making of provisions in the unauthorised development as follows, namely: —

(a) In the case of buildings with 100 per cent. built-up area with no space for water storage tank and installation of fire pumps and no provision of alternate means of escape or no provision for fixed fire-fighting installations, the designated authority may, in consultation with the Chief Fire Officer of the municipal corporation, direct the person to provide such fire safety measures as may be specified in the direction within a period of three months from the date of such direction.

(b) In the case of buildings where no space is available within the complex in which they are situate for the construction of underground water storage tanks and installation of fire pumps but adequate means of escapes are available, the designated authority may direct the person to provide common underground water storage tank and fire pumps in such complex at suitable location within a period of three months from the date of direction.

(c) In the case of high-rise buildings having height of fifteen metres or exceeding fifteen metres, the designated authority may permit a person to install diesel-generating set instead of electric supply to the main fire pump within a period of three months.

5. **Appeal.** — (1) Any person aggrieved by the notice served upon him or notice published under sub-section (2) of section 3 may, within sixty days from the date of the receipt or, as the case may be, the publication of the notice, prefer an appeal to an Appellate Officer, who shall be a person who has held the office of District Judge for a period not less than three years and appointed in this behalf by the State Government:

Provided that the Appellate Officer may entertain the appeal after the expiry of the said period of sixty days if he is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(2) On receipt of an appeal under sub-section (1), the Appellate Officer may, after giving the appellant an opportunity of being heard, pass an order modifying or cancelling the notice as expeditiously as possible.

(3) The decision of the Appellate Officer under sub-section (2) shall be final and shall not be questioned in any court of law.

(4) No appeal under this section by a person who is served with the notice shall be entertained by the Appellate Officer unless the amount of fees payable by him under the notice is deposited with the designated authority:

Provided that where in the opinion of the Appellate Officer deposit of the amount by the appellant is likely to cause undue hardship to him, the Appellate Officer may in his discretion unconditionally or subject to such conditions as he may think fit to impose, dispense with a part of the amount deposited so however that the part of amount so dispensed with shall not exceed fifty per cent. of the amount deposited or required to be deposited.

6. ***Constitution of Infrastructure Development Fund.***—Subject to the rules made under this Ordinance, all fees received under this Ordinance shall be credited to a fund which shall be called the Infrastructure Development Fund and which shall be held by the designated authority in trust for the purpose of augmentation, improvement or creation of an infrastructure facility.

7. ***Protection of action taken under the Ordinance.***—(1) No suit, prosecution or other legal proceedings shall lie against any officer or authority for anything which is in good faith done or intended to be done in pursuance of this Ordinance or any rules made thereunder.

(2) No suit or other legal proceedings shall lie against the State Government or any officer or authority for any damage caused or likely to be caused by anything which is in good faith done or intended to be done in pursuance of this Ordinance or any rules made thereunder.

8. ***Removal of doubt.***—It is hereby clarified that regularisation of unauthorised development under this Ordinance shall be without prejudice to any civil or the criminal liability to which a person may be subject to under any law.

9. ***Power to make rules.***— (1) The State Government may, by notification in the *Official Gazette*, and subject to condition of previous publication, make rules for carrying out the purposes of this Ordinance.

(2). In particular and without prejudice to the generality of the foregoing provisions such rules may provide for all or any of the following matters, namely:—

- (a) the period within which and the manner in which a notice shall be served under sub-section (2) of section 3 and the manner of publication of substance of notice under clause (c) of that sub-section;
- (b) the form in which a certificate shall be issued under sub-section (3) of section 3;
- (c) the period within which a certificate shall be obtained under sub-section (3) of section 3;
- (d) any other matter, which is to be or may be prescribed.

(3) All rules made under this section shall be laid for not less than thirty days before the State Legislature as soon as possible after they are made, and shall be subject to rescission by the State Legislature or to such modification as the State Legislature may make, during the session in which they are so laid or the session immediately following.

(4) Any rescission or modification so made by the State Legislature shall be published in the *Official Gazette*, and shall thereupon take effect.

**10. Repeal and Savings.**— (1) The Gujarat Regularisation of Unauthorised Development Ordinance, 2000 is hereby repealed.

Guj. Ord.  
6 of 2000.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance, shall, in so far as it is not inconsistent with the provisions of this Ordinance, be deemed to have been done or taken under this Ordinance.

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On account of the rapid growth of economic opportunities in and around the major cities of Gujarat, there has been constant influx of the rural population to the urban areas of the city resulting in steep increase in demand for properties for residential, commercial and other uses. This has resulted in feverish construction, several of which do not conform to the existing building regulations. Consequently, in the urban areas of the State there has come up a large number of buildings which have been constructed without permission or where permission is granted, constructed in contravention of development and control regulations. The owners and occupants of such buildings have been given notices under the Bombay Provincial Municipal Corporations Act, 1949 or, as the case may be, the Gujarat Town Planning and Urban Development Act, 1976 requiring them to remove, pull down or alter the building. However, the owners and occupants have failed to comply with the requisition of the notice. Administratively, removal or pulling down of large of buildings is neither feasible nor desirable. Removal, pulling down or alteration of buildings on a large scale is fraught with danger of creating law and order problem and hardship to the people as a large number of the people would be rendered homeless who would have to be provided with housing. Social and economic fabric of the society would be disturbed leading to a chaotic situation in the society. In order to avoid such a situation, intervention of the Government by legislation for regularisation has become a compelling necessity. Faced with similar situation, some other State Governments in the country have also come out with suitable legislation for regularisation. Therefore, the course available to the Government is to regularise unauthorised construction of the buildings.

As the Gujarat Legislative Assembly was not in session at that time, the Gujarat Regularisation of Unauthorised Development Ordinance, 2000 was promulgated on 22<sup>nd</sup> November, 2000 to regularise the unauthorised development in the urban areas of the State. The Gujarat Legislative Assembly was summoned to meet on the 19<sup>th</sup> March, 2001 and prorogued on the 29<sup>th</sup> March, 2001. As the time available was very short, the said Ordinance could not be replaced by an Act of the State Legislature in that session. By virtue of sub-clause (a) of clause (2) of article 213 of the Constitution of India, the said Ordinance would cease to operate after the 29<sup>th</sup> April, 2001, the date on which the period of six

weeks from the date of re-assembly of the Gujarat Legislative Assembly expires. It is expedient to take immediate action to, continue the operation of the provisions of the said Ordinance.

As the Gujarat Legislative Assembly is not in session, this Ordinance is promulgated to achieve the aforesaid object.

Gandhinagar,  
Dated the 28 April. 2001.

**SUNDAR SINGH BHANDARI,**  
Governor of Gujarat.

By order and in the name of the governor of Gujarat,

**Dr. MANJULA SUBRAMANIAM,**  
Principal Secretary to Government.



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# The Gujarat Government Gazette EXTRAORDINARY

PUBLISHED BY AUTHORITY

VOL. XLII ]

MONDAY, APRIL, 30, 2001/VAISAKHA 10, 1923

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may be filed as a Separate Compilation.

## PART - IV

Acts of the Gujarat Legislature and Ordinances promulgated  
and Regulations made by the Governor.

### PANCHAYATS, RURAL HOUSING AND RURAL DEVELOPMENT DEPARTMENT

Sachivalaya, Gandhinagar, Dated the 30th April, 2001.

GUJARAT ORDINANCE NO. 4 OF 2001.

### AN ORDINANCE

*further to amend the Gujarat Panchayats Act, 1993.*

**WHEREAS** the Legislative Assembly of the State of Gujarat is not  
in session ;

**AND WHEREAS** the Governor of Gujarat is satisfied that  
circumstances exist which render it necessary for him to take immediate  
Guj. 18 of 1993. action to amend the Gujarat Panchayats Act, 1993 ;

**NOW, THEREFORE**, in exercise of the powers conferred on him  
by clause (1) of article 213 of the Constitution of India, the Governor of  
Gujarat is hereby pleased to make and promulgate the following Ordinance, namely :—

1. **Short title and commencement.**— (1) This Ordinance may be called the Gujarat Panchayats (Amendment) Ordinance, 2001.

(2) It shall come into force on the 1<sup>st</sup> May, 2001.

2. **Guj. 18 of 1993 to be temporarily amended.** — During the period of operation of this Ordinance, the Gujarat Panchayats Act, 1993 (hereinafter referred to as “the principal Act”) shall have effect subject to the amendments specified in sections 3 to 6. Guj. 18 of 1993.

3. **Amendment of section 2 of Guj. 18 of 1993.**—In the principal Act, in section 2, clause (13) shall be deleted.

4. **Amendment of section 200 of Guj. 18 of 1993.**— In the principal Act, in section 200, in sub-section (1), clause (ii) shall be deleted.

5. **Amendment of section 202 of Guj. 18 of 1993.** — In the principal Act, in section 202, —

- (a) in sub-section (1), the words “or the collecting of octroi” shall be deleted;
- (b) in sub-section (3), the words “or octroi, as the case may be” occurring at two places shall be deleted;
- (c) in sub-section (4), the words “or octroi as the case may be” shall be deleted.

6. **Deletion of section 216 of Guj. 18 of 1993.** — In the principal Act, section 216 shall be deleted.

**S T A T E M E N T**

The village panchayats have been authorised under the provisions of the Gujarat Panchayats Act, 1993 to levy and collect the tax known as 'octroi'.

It has been represented to the Government by the various sections of the society to abolish octroi as it causes undue hardships and harassment to public. Having regard to the aforesaid facts, the Government has decided to abolish the octroi levied by village panchayats in the State. It is therefore, considered necessary to amend the existing provisions relating to octroi of the said Act to that effect.

As the Gujarat Legislative Assembly is not in session, this Ordinance is promulgated to amend the said Act to achieve the aforesaid object.

Gandhinagar,  
Dated the 30th April, 2001.

**SUNDAR SINGH BHANDARI,**  
Governor of Gujarat.

By order and in the name of the Governor of Gujarat,

**NARAYAN V. MODI,**  
Principal Secretary to Government.



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## PART- IV

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and Regulations made by the Governor.

URBAN DEVELOPMENT AND URBAN HOUSING DEPARTMENT

Sachivalaya, Gandhinagar, Dated the 30th April, 2001.

GUJARAT ORDINANCE NO. 5 OF 2001.

### AN ORDINANCE

*further to amend the Gujarat Municipalities Act, 1963.*

**WHEREAS** the Legislative Assembly of the State of Gujarat is  
not in session;

**AND WHEREAS** the Governor of Gujarat is satisfied that  
circumstances exist which render it necessary for him to take immediate  
action to amend the Gujarat Municipalities Act, 1963 ;

Guj. 34 of  
1964.

**NOW, THEREFORE**, in exercise of the powers conferred on  
him by clause (1) of article 213 of the Constitution of India, the Governor  
of Gujarat is hereby pleased to make and promulgate the following  
Ordinance, namely :—

1. **Short title and commencement.**— (1) This Ordinance may be called the Gujarat Municipalities (Amendment) Ordinance, 2001.

(2) It shall come into force on the 1<sup>st</sup> May, 2001.

2. **Guj. 34 of 1964 to be temporarily amended.** — During the period of operation of this Ordinance, the Gujarat Municipalities Act, 1963 (hereinafter referred to as “the principal Act”) shall have effect subject to the amendments specified in sections 3 to 11. Guj. 34 of 1964.

3. **Amendment of section 2 of Guj. 34 of 1964.**— In the principal Act, in section 2, clause (16) shall be deleted.

4. **Amendment of section 64 of Guj. 34 of 1964.**— In the principal Act, in section 64, —

- (1) in sub-section (1), in clause (b), for the words “for the levy of octroi duty and tolls whereby the octroi duties and tolls respectively”, the words “for the levy of tolls whereby tolls” shall be substituted;
- (2) in the marginal note, the words “Joint levy of octroi” shall be deleted.

5. **Amendment of section 99 of Guj. 34 of 1964.** — In the principal Act, in section 99, in sub-section (1), —

- (1) clause (iv) shall be deleted;
- (2) in clause (xv), after the words “to any entertainment”, the words “or octroi” shall be inserted;
- (3) in the second proviso, paragraph (b) shall be deleted.

6. **Amendment of Chapter VIII of Guj. 34 of 1964.** — In the principal Act, in Chapter VIII, in sub-heading (5), the words “Octroi and” shall be deleted.

7. **Deletion of sections 121 to 125, 128, 129 and 129A of Guj. 34 of 1964.** — In the principal Act, sections 121, 122, 123, 124, 125, 128, 129 and 129A shall be deleted.

8. **Amendment of section 127 of Guj. 34 of 1964.** — In the principal Act, in section 127, -

(1) for sub-section (1), the following shall be substituted, namely :-

**Power to seize vehicle or animal on non-payment of toll.** “(1) In the case of non payment on demand of any toll leviable by a municipality, any person appointed to collect such toll may seize any vehicle or animal on which the toll is chargeable or any part of the burden on such vehicle or animal which is of sufficient value to satisfy the demand, and may detain the same. He shall thereupon give the person in possession of the vehicle or animal seized, a list of the property together with a written notice in the form specified in Schedule VI;”;

(2) in sub-sections (2) and (3), the words “octroi or” wherever they occur, shall be deleted;

(3) in sub-section (4), the words “octroi, or” shall be deleted;

(4) in the marginal note, the words “octroi or” shall be deleted.

9. **Amendment of section 132 of Guj. 34 of 1964.** - In the principal Act, in section 132, in sub-section (1), in clause (b), the words “an octroi or” shall be deleted.

10. **Amendment of section 275 of Guj. 34 of 1964.** - In the principal Act, in section 275, in sub-section (1), clause (1) shall be deleted.

11. **Amendment of section 278 of Guj. 34 of 1964.** — In the principal Act, in section 278, in sub-section (2), clause (a) shall be deleted.

## STATEMENT

The municipalities have been authorised under the provisions of the Gujarat Municipalities Act, 1963, to levy and collect the tax known as 'octroi'.

Octroi, almost universally considered to be an undesirable levy, is a tedious, obnoxious, outdated, regressive tax and practised only in few countries in the world. It is believed that the check-posts, octroi *nakas*, which constitute the key element in the administration of collection of octroi are susceptible to malpractices, besides being a source of harassment to transit vehicles and lead to enormous non-productive man hours.

It has been represented to the Government by the various sections of society to abolish octroi as it causes undue hardships and harassment to public and also obstructs free flow of trade and commerce. Having regard to the aforesaid facts, the Government has decided to abolish the octroi from the municipal area of municipalities in the State. It is, therefore, considered necessary to amend the existing provisions relating to octroi of the said Act to that effect.

As the Gujarat Legislative Assembly is not in session, this Ordinance is promulgated to amend the said Act to achieve the aforesaid object.

Gandhinagar,  
Dated the 30th April, 2001.

**SUNDAR SINGH BHANDARI,**  
Governor of Gujarat.

By order and in the name of the Governor of Gujarat,

**DR. MANJULA SUBRAMANIAM,**  
Principal Secretary to Government.



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## PART - IV

Acts of the Gujarat Legislature and Ordinances promulgated  
and Regulations made by the Governor.

URBAN DEVELOPMENT AND URBAN HOUSING DEPARTMENT

Sachivalaya, Gandhinagar, Dated the 30th April, 2001.

GUJARAT ORDINANCE NO. 6 OF 2001.

### AN ORDINANCE

*further to amend the Bombay Provincial Municipal  
Corporations Act, 1949.*

**WHEREAS** the Legislative Assembly of the State of Gujarat is  
not in session ;

**AND WHEREAS** the Governor of Gujarat is satisfied that  
circumstances exist which render it necessary for him to take immediate  
action to amend the Bombay Provincial Municipal Corporations Act, 1949;  
Bom. LIX  
of 1949.

**NOW, THEREFORE,** in exercise of the powers conferred on  
him by clause (1) of article 213 of the Constitution of India, the Governor  
of Gujarat is hereby pleased to make and promulgate the following  
Ordinance, namely :-

1. **Short title and commencement.**— (1) This Ordinance may be called the Bombay Provincial Municipal Corporations (Gujarat Amendment) Ordinance, 2001.

(2) It shall come into force on 1<sup>st</sup> May, 2001.

2. **Bom. LIX of 1949 to be temporarily amended.**— During the period of operation of this Ordinance, the Bombay Provincial Municipal Corporations Act, 1949 (hereinafter referred to as “the principal Act”) shall have effect subject to the amendment specified in section 3.

Bom. LIX of  
1949.

3. **Amendment of section 127 of Bom. LIX of 1949.**— In the principal Act, in section 127, in sub-section (2), for clause (a), following shall be substituted, namely :—

“(a) Octroi on goods other than motor spirit as defined in the Bombay Sales of Motor Spirit Taxation Act, 1958.”

Bom. LXVI  
of 1958.

**S T A T E M E N T**

The State Government has decided to abolish octroi in the State except in the municipal area as defined in clause (34B) of section 2 of the Bombay Provincial Municipal Corporations Act, 1949. At present, octroi is levied on motor spirit also in municipal area by the municipal corporations.

The Government has decided to levy cess on the turnover of sales of motor spirit in the State. It is considered necessary to abolish levy of octroi on motor spirit in municipal areas, so as to bring uniformity in the price of motor spirit in the State. It is therefore, considered necessary to amend clause (a) of sub-section (2) of section 127 of the said Act.

As the Gujarat Legislative Assembly is not in session, this Ordinance is promulgated to amend the said Act to achieve the aforesaid object.

Gandhinagar,  
Dated the 30th April, 2001.

**SUNDAR SINGH BHANDARI,**  
Governor of Gujarat.

By order and in the name of the Governor of Gujarat,

**DR. MANJULA SUBRAMANIAM,**  
Principal Secretary to Government.



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## PART - IV

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and Regulations made by the Governor.

### FINANCE DEPARTMENT

Sachivalaya, Gandhinagar, Dated the 30<sup>th</sup> April, 2001.

## GUJARAT ORDINANCE NO. 7 OF 2001.

### AN ORDINANCE

*to provide for levy of cess on motor spirit in the State of Gujarat for the  
purpose of creating fund in order to compensate local authorities  
consequent on the abolition of octroi and for the matters  
connected therewith and incidental thereto.*

**WHEREAS** the Legislative Assembly of the State of Gujarat is not in  
session;

**AND WHEREAS** the Governor of Gujarat is satisfied that  
circumstances exist which render it necessary for him to take immediate action  
to provide for levy of cess on motor spirit in the State of Gujarat for the  
purpose of creating fund in order to compensate local authorities consequent  
on the abolition of octroi;

NOW, THEREFORE, in exercise of the powers conferred on him by clause (1) of article 213 of the Constitution of India, the Governor of Gujarat is hereby pleased to make and promulgate the following Ordinance, namely:-

## CHAPTER I

### PRELIMINARY

1. **Short title, extent and commencement.** -- (1) This Ordinance may be called the Gujarat Motor Spirit Cess Ordinance, 2001.

(2) It extends to the whole of the State of Gujarat.

(3) It shall come into force on the 1<sup>st</sup> May, 2001.

2. **Definitions.** -- (1) In this Ordinance, unless the context otherwise requires, --

(a) "cess" means the cess on the turnover of sales of motor spirit levied under section 3;

(b) "Collector" means the Collector appointed under section 10 and includes a Special Collector or an Additional Collector appointed under that section;

(c) "local authorities" means --

(i) a municipality constituted under the Gujarat Municipalities Act, 1963;

Guj. 34 of  
1964.

(ii) a village panchayat constituted under the Gujarat Panchayats Act, 1993;

Guj. 18 of  
1993.

(d) "prescribed" means prescribed by rules;

(e) "rules" means rules made under this Ordinance;

(f) "tax" means tax, additional tax and turnover tax levied under the Bombay Sales of Motor Spirit Taxation Act, 1958;

Bom. LXVI  
of 1958.

(g) "Tribunal" means the Gujarat Sales Tax Tribunal constituted under section 28 of the Gujarat Sales Tax Act, 1969, and discharging functions of the Tribunal assigned to it by or under this Ordinance; **Guj. 1 of 1970.**

(h) "turnover of sales" means sales price including the amount of tax as defined in clause (f) of this section;

(i) "year" means a financial year.

(2) Words and expressions used and not defined in this Ordinance but defined in the Bombay Sales of Motor Spirit Taxation Act, 1958 shall have the meanings respectively assigned to them in that Act. **Bom. LXVI of 1958.**

## CHAPTER II

### LEVY OF CESS AND UTILISATION OF PROCEEDS OF CESS

3. *Levy and collection of cess.* – (1) For the purpose of providing fund for local authorities in the State of Gujarat, there shall be levied and collected a cess on the turnover of sales of motor spirit by a manufacturer or importer or trader, but after deducting therefrom such turnover on which cess has been paid on earlier turnover of sales of motor spirit :

Provided that such cess shall not be levied at more than one stage.

(2) The cess under sub-section (1) shall be levied for the prescribed period, in the prescribed manner and at such rate or rates not exceeding four per cent. of the turnover of sales of such motor spirit, as may be prescribed and different rates may be prescribed for different kinds of motor spirit.

(3) The cess levied under sub-section (1) shall be payable by the trader.

4. **Local Authorities Fund.** – (1) The proceeds of the cess and interest (other than fines) recovered under this Ordinance shall first be credited to the Consolidated Fund of the State and after deduction of the expenses of collection and recovery therefrom shall, under appropriation duly made by law in this behalf, be entered in, and transferred to, a separate fund called the “Local Authorities Fund”.

(2) Any amount transferred to the Local Authorities Fund under sub-section (1) shall be charged on the Consolidated Fund of the State.

(3) The amount transferred to the Local Authorities Fund shall be expended in such manner and subject to such conditions as may be prescribed for the purpose mentioned in section 3.

5. **Payment of cess.** – (1) The cess levied under section 3 shall be payable by trader in such manner as may be prescribed.

(2) The trader liable to pay cess under section 3 shall furnish at such intervals and to such authority, returns in such form and in such manner as may be prescribed.

6. **Interest on delayed payment of cess.** – Where a trader does not pay the amount of cess within the time prescribed for its payment, there shall be paid by such trader, for the period commencing on the date of expiry of the aforesaid period and ending on the date of payment of the amount of cess, simple interest at the rate of twenty-four per cent. per annum on the amount of cess not so paid or any less amount thereof remaining unpaid during such period.

7. **Refund in certain circumstances.** – Where cess under section 3 is levied and collected on the turnover of sales of motor spirit to a trader and such motor spirit is then sold by such trader in the course of inter-State trade or commerce or exported out of the territory of India within six months of such sales, the trader shall, upon an application made in this behalf and subject

to such conditions as may be prescribed, be entitled to refund of cess in respect of the sale to him of the motor spirit.

### CHAPTER III REGISTRATION

8. **Registration.**— (1) Every trader holding a licence under the Bombay Sales of Motors Spirit Taxation Act, 1958 shall be required to apply for and obtain a registration certificate :

Bom. LXVI of  
1958.

Provided that the Collector may, subject to the conditions as may be prescribed, grant exemption from the provisions of registration to a trader who, by virtue of deduction from turnover of sales, does not become liable to pay cess under this Ordinance.

(2) The application for registration shall be made within such period, and in such form and to such authority, as may be prescribed.

(3) On receipt of the application for registration under sub-section (2), the authority on its satisfaction, may issue certificate of registration in such form as may be prescribed.

9. **Suspension or cancellation of registration.** — Subject to such conditions as may be prescribed, the Collector may suspend or cancel the registration —

- (a) if any cess payable under section 5 is not duly paid by the trader; or
- (b) if there is any breach of conditions subject to which the registration is granted; or
- (c) if the trader contravenes any of the provisions of this Ordinance or the rules made thereunder.

**CHAPTER IV****CESS AUTHORITIES**

10. *Cess Authorities.*— (1) For carrying out the purposes of this Ordinance, the State Government may appoint —

- (a) a person to be the Collector of Motor Spirit Cess for the whole of the State of Gujarat;
- (b) a person to be the Special Collector of Motor Spirit Cess;
- (c) a person to be the Additional Collector of Motor Spirit Cess; and
- (d) such other persons to assist the Collector as the State Government may think fit.

(2) A person appointed under clause (b), (c) or (d) of sub-section (1) shall, within the limits of such area as the State Government may specify, exercise such powers and perform such duties as may be conferred or imposed on him by or under this Ordinance.

**CHAPTER V****LIABILITY TO KEEP ACCOUNTS, SUBMIT STATEMENT AND  
POWERS OF INSPECTION AND SEARCH.**

11. *Traders to keep accounts and submit statement.* — Every trader shall keep and maintain accounts, in the form prescribed, of motor spirit manufactured, imported, sold or purchased by him, and shall submit to the officer authorised in this behalf by the Collector, statement in such form, in such manner and for such period, as may be prescribed:

Provided that where a trader has more than one place of business, the Collector may subject to such terms and conditions as may be prescribed, permit such trader to submit a consolidated statement relating to all or any of his places of business to such officer as the Collector may direct.

**12. *Production and inspection of accounts and documents and search of premises.*** — (1) The Collector may, for the purposes of this Ordinance, at all reasonable times, —

- (i) require any trader to produce before him accounts, register or other documents or to furnish any other information; or
- (ii) inspect the accounts, registers and other documents and the stocks of any motor spirit manufactured, stored or kept in any shop, warehouse or place of business of any such trader; or
- (iii) enter and search any building, vessel, vehicle or place in which he has reason to believe that any motor spirit is stored or kept for the purpose of sale or manufacture or where the accounts, registers and other documents are kept.

2 of 1974.

(2) All searches made under this section shall be made in accordance with the provisions of the Code of Criminal Procedure, 1973.

**13. *Seizure of any documents in certain circumstances.*** — If the Collector has reason to believe that any trader is attempting to commit an offence punishable under this Ordinance, he may for reasons to be recorded in writing, seize such accounts, registers or other documents of such trader as may be necessary and shall grant a receipt for the same and retain the same only for so long as may be necessary for examination thereof or for a prosecution.

## CHAPTER VI

## ASSESSMENTS, APPEALS AND REVISION

14. *Assessment.* — (1) The amount of cess due from a trader shall be assessed by the Collector.

(2) If the Collector is satisfied that the returns furnished by a trader are correct and complete, he shall assess the amount of cess due from the trader on the basis of such returns.

(3) If the Collector is not satisfied that the returns furnished in respect of any period are correct and complete, and he thinks it necessary to require the presence of further evidence; he shall serve on such trader, in the prescribed manner, a notice requiring him on a date and a place specified therein, either to attend and produce or cause to be produced all evidence on which such trader relies in support of his returns, or to produce such evidence as is specified in the notice. On the date specified in the notice, or as soon as may be thereafter, the Collector shall, after considering all the evidences which may be produced, assess the amount of cess due from the trader.

(4) If a trader fails to comply with the terms of any notice issued under sub-section (3), the Collector shall assess, to the best of his judgement, the amount of cess due from him.

15. *Bar of certain proceedings.*— Save as provided by section 19, no assessment made and no order passed under this Ordinance or the rules made thereunder by the Collector or any person appointed under section 10 to assist him, shall be called in question in any civil court, and save as provided by sections 16 and 17, no appeal or application for revision shall lie against any such assessment or the order.

16. **Appeal.**— (1) Any person aggrieved by any order of the Collector, may file an appeal before such authority, within such time and in such manner, as may be prescribed.

(2) No appeal against an order or the assessment shall be entertained by the said authority unless it is accompanied by satisfactory proof of the payment of the cess with interest, if any, in respect of which the appeal has been preferred:

Provided that the said authority may, if it thinks fit, for reasons to be recorded in writing, entertain an appeal against such order,-

- (a) without payment of the cess or interest, if any, but on furnishing in the prescribed manner, security for such amount of cess and interest, as it may direct; or
- (b) on proof of payment of such smaller sum, with or without security in like manner for such amount of cess and interest which remains unpaid as it may direct.

(3) Subject to such rules of procedure as may be prescribed, the said authority may pass such order on appeal as it may think just and proper.

(4) Every order passed in appeal under this section shall, subject to the provisions of sections 17, 19 and 20 be final.

17. **Revision.**— (1) Subject to such rules as may be prescribed, and for the reasons to be recorded in writing, the Collector may, upon application or of his own motion, revise any order passed under this Ordinance or the rules made thereunder by a person appointed under section 10 to assist him and subject thereto the Tribunal may, upon application, revise any order passed by the Collector:

Provided that no application under this sub-section shall be entertained if it is not made within a period of four months from the date of the order :

Provided further that before rejecting any application for the revision of any such order, the Collector or the Tribunal, as the case may be, shall record reasons in writing for such rejection.

(2) Before any order is passed under this section which is likely to affect any person adversely, such person shall be given a reasonable opportunity of being heard.

(3) Where an appeal lies under section 16 and no appeal has been filed, no proceedings in revision under this section shall be entertained upon the application of such person.

18. *Extension of period of limitation in certain cases.*— The prescribed authority may admit any appeal under section 16 and the Collector and the Tribunal may admit an application under section 17 after the expiry of period of limitation laid down in the said sections if the appellant or the applicant, as the case may be, satisfies the prescribed authority, the Collector or, as the case may be, the Tribunal, that he had sufficient causes for not preferring the appeal, or making the application, within such period.

19. *Statement of case to High Court.*— (1) Within ninety days from the date of passing of any order under sub-section (3) of section 16 or sub-section (1) of section 17 affecting any liability of any trader to pay cess, such trader or the Collector, may by application in writing require the Tribunal to refer to the High Court any question of law arising out of such order, and where the Tribunal agrees it shall draw up a statement of the case and refer it to the High Court.

(2) If, for reasons to be recorded in writing, the Tribunal refuses to make such reference, the applicant may within thirty days of such refusal either —

- (a) withdraw his application, or
- (b) apply to the High Court against such refusal.

(3) If upon the receipt of an application under clause (b) of sub-section (2), the High Court is not satisfied that such refusal was justified, it may require the Tribunal to state a case and refer it to the High Court; and on receipt of such requisition, the Tribunal shall state and refer the case to the High Court accordingly.

(4) If the High Court is not satisfied that the statements in a case referred under this section are sufficient to enable it to determine the question raised thereby, it may refer the case back to the Tribunal to make such additions thereto or alternations therein as the High Court may direct in that behalf.

(5) The High Court upon the hearing of any such case shall decide the question of law raised thereby, and shall deliver its judgement thereon containing the grounds on which such decision is founded, and shall send to the Tribunal a copy of such judgement under the seal of the High Court and the signature of the Registrar, and the Tribunal shall dispose of the case accordingly.

(6) The payment of the amount, if any, of the cess due in accordance with the order of the Tribunal in respect of which an application has been made under sub-section (1) shall not be stayed pending the disposal of such application or any reference made in consequence thereof, but if such amount is reduced as the result of such reference, the excess cess paid shall be refunded.

**20. Rectification of mistakes.**— (1) The Collector may at any time within two years from the date of any order passed by him, on his own motion rectify any mistake apparent from the record and shall within a like period rectify any such mistake which has been brought to his notice by any person affected by such order :

Provided that no such rectification shall be made if it has the effect of enhancing the cess or reducing the amount of a refund, unless the Collector has given notice in writing to such trader of his intention so to do and has allowed such trader a reasonable opportunity of being heard.

(2) The provisions of sub-section (1) shall apply to the rectification of mistake by the Tribunal or the prescribed authority under section 16 as they apply to the rectification of a mistake by the Collector.

(3) Where any such rectification has the effect of reducing the amount of cess, the Collector shall in the prescribed manner refund any due, to such trader.

(4) Where any such rectification has the effect of enhancing the amount of cess or reducing the amount of refund, the Collector shall recover the amount due from such trader in the manner provided in section 32.

## CHAPTER VII

### OFFENCES, PENALTIES AND PROCEDURE

21. *Penalty for carrying on the business without registration.* — Whoever contravenes the provisions of section 8 shall, on conviction, be punished with fine which may extend to twenty thousand rupees and in the case of a continuing contravention, with an additional fine which may extend to the one thousand rupees for each day during which such contravention continues after conviction for the first such contravention.

22. *Penalty for failure to keep accounts or submit reports.* — If any trader liable under section 11 to keep accounts or to submit statements, fails without sufficient cause to keep or submit the same in the manner and at the period prescribed or keeps false accounts or submits false statements, he shall, on conviction, be punished with fine which may extend to twenty thousand rupees and in the case of a continuing failure, with an additional fine which

may extend to one thousand rupees for each day during which such failure continues, after conviction for the first such failure.

**23. *Penalty for failure to comply with requirements of section 12 or obstructing officer in discharge of duties.* — Whoever —**

- (a) fails to comply with any requirement, made to him under sub-section (1) of section 12, or
- (b) produces false accounts, registers or documents, or knowingly furnishes false information, or
- (c) obstructs any officer making an inspection, search or seizure under the provisions of this Ordinance, or
- (d) aids or abets any person in the commission of any act specified in clause (a), (b) or (c) of this section,

shall, on conviction, be punished with fine which may extend to twenty thousand rupees and in the case of a continuing contravention, with an additional fine which may extend to one thousand rupees for each day during which such contravention continues after conviction for the first such contravention.

**24. *Offences by companies.* — (1) Where an offence under this Ordinance has been committed by a company, every person who at the time the offence was committed, was in charge of, and was responsible to the company for the conduct of the business of the company, as well as company shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly :**

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Ordinance if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Ordinance has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary, or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

*Explanation.*— For the purpose of this section —

- (a) “company” means a body corporate, and includes a firm or other association of individuals; and
- (b) “director” in relation to a firm means a partner in the firm.

**25. Cognisance of offences.** — No court shall take cognisance of any offence punishable under this Ordinance except with the previous sanction of the Collector.

**26. Power of entry and search.** — (1) Any officer specifically empowered by the State Government in this behalf may enter and search, at any time any building, vessel, vehicle or place in which he has reason to believe that motor spirit is kept for the purpose of sale contrary to the provisions of this Ordinance or any rules made thereunder.

(2) All searches made under this section shall be made in accordance with the provisions of the Code of Criminal Procedure, 1973.

27. *Powers of investigation.* — (1) Every officer not below such rank as may be prescribed shall, within the area for which he is appointed, have power to investigate all offences punishable under this Ordinance.

(2) Every such officer shall, in the conduct of such investigation, exercise the powers conferred by the Code of Criminal Procedure, 1973 upon an officer in-charge of police station for the investigation of a cognizable offence. 2 of 1974.

## CHAPTER VIII MISCELLANEOUS

28. *Delegation of Powers.* — Subject to the general or special orders of the State Government, the Collector may delegate any of the powers conferred upon him by or under this Ordinance to any person appointed to assist him under section 10.

29. *Powers to transfer proceedings.* — The Collector may, after due notice to the trader, by order in writing, transfer any proceedings or class of proceedings under any provisions of this Ordinance or the rules made thereunder, from himself to any other officer and he may likewise transfer any such proceedings (including proceeding already transferred under this section) from one such officer to another officer or to himself.

30. *Officers to be public servants.* — The Collector, all officers and other employees appointed under this Ordinance shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

XLV of  
1860.

31. *Protection of action taken in good faith.* — No suit, prosecution or other legal proceedings shall lie against any officer or employee appointed under this Ordinance for anything, which is in good faith done or intended to be done in pursuance of the provisions of this Ordinance or the rules made thereunder.

32. *Recovery as arrears of land revenue.* — All sums payable as cess or interests (other than fines) under this Ordinance shall, if not paid within the prescribed period or as the case may be, before such date as the Collector may direct, be recoverable as an arrears of land revenue.

33. *Certain sales not liable to cess.* — Nothing in this Ordinance or the rules made thereunder, shall be deemed to impose or authorise the imposition of a cess on any turnover of sales of motor spirit where such sales takes place —

- (a) outside the State of Gujarat, or
- (b) in the course of the import of such motor spirit into the territory of India or the export of the goods out of such territory or
- (c) in the course of inter-State trade or commerce.

*Explanation* — For the purpose of this section, whether a sale takes place —

- (i) outside the State of Gujarat, or
- (ii) in the course of import of the goods into the territory of India or the export of the goods out of such territory, or
- (iii) in the course of inter-State trade or commerce.

shall be determined in accordance with the principle specified in sections 3, 4 and 5 of the Central Sales Tax Act, 1956.

LXXIV of  
1956.

34. *Power to make rules.* — (1) The State Government may, by notification in the *Official Gazette*, make rules for carrying out the purposes of this Ordinance.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely : —

- (a) the stage at which, the rate and the period for which and the manner in which, the cess shall be levied and collected under section 3;
- (b) the conditions subject to which a trader shall be entitled to refund under section 7;

- (c) the form in which, period within which and the authority to whom the application for registration shall be made under section 8;
- (d) the form in which certificate of registration shall be issued under section 8;
- (e) the conditions subject to which a registration may be suspended or cancelled under section 9;
- (f) the form of accounts to be maintained and the form of statements to be submitted, the period at which such statements are to be submitted and the terms and conditions subject to which a consolidated statement, may be submitted under section 11;
- (g) the manner in which, the time within which and the authority to whom appeal may be preferred under section 16;
- (h) the rules of procedure subject to which the authority may pass order under section 16;
- (i) the rules subject to which the Collector and Tribunal may revise an order under section 17;
- (j) the rank of officer which shall have powers to investigate offences under section 27.

(3) Any rule made under this section may provide that any person contravening any such rule shall be liable, on conviction, to be punished with a fine which may extend to one thousand rupees and in the case of a continuing contravention with an additional fine which may extend to fifty rupees for each day during which such contravention continues after conviction for the first such contravention.

(4) The power to make rules conferred by this section shall be subject to the condition of the rules being made after previous publication :

Provided that if the State Government is satisfied that circumstances exist which render it necessary to take immediate action, it may dispense with the previous publication of any rule to be made under this section.

(5) All rules made under this section shall be laid for not less than thirty days before the State Legislature as soon as they are made and shall be subject to rescission by the State Legislature or to such modification as the State Legislature may make during the session in which they are so laid or the session immediately following.

(6) Any rescission or modification so made by the State Legislature shall be published in the *Official Gazette*, and shall thereupon take effect.

**STATEMENT**

The State Government has decided to abolish octroi levied by the municipalities and panchayats. In order to compensate the municipalities and panchayats consequent on abolition of octroi, it is considered necessary to levy cess on the turnover of sales of motor spirit. The amount of cess shall be transferred to a separate fund called the Local Authorities Fund and shall be expended for the purpose of providing fund to such Local Authorities.

As the Gujarat Legislative Assembly is not in session, this Ordinance is promulgated to achieve the aforesaid objects.

Gandhinagar,

Dated the 30<sup>th</sup> April, 2001.

**SUNDAR SINGH BHANDARI,**

Governor of Gujarat.

By order and in the name of the Governor of Gujarat,

**S. G. MANKAD,**

Principal Secretary to Government.



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# The Gujarat Government Gazette EXTRAORDINARY

PUBLISHED BY AUTHORITY

VOL. XLII ] MONDAY, AUGUST 6, 2001 / SRAVANA 15, 1923

Separate paging is given to this Part in order that it  
may be filed as a Separate Compilation.

## PART - IV

### Acts of the Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 3rd August, 2001 is hereby published for general information.

V. M. KOTHARE,

Secretary to the Government of Gujarat,  
Legislative and Parliamentary Affairs Department.

### GUJARAT ACT NO. 12 OF 2001.

(First published, after having received the assent of the Governor in the "*Gujarat Government Gazette*", on the 6th August, 2001).

### AN ACT

further to amend the Gujarat Panchayats Act, 1993.

It is hereby enacted in the Fifty-second Year of the Republic of India as follows:—

1. (1) This Act may be called the Gujarat Panchayats (Second Amendment) Act, 2001.

Short title  
and  
commence-  
ment.

(2) It shall be deemed to have come into force on the 1<sup>st</sup> May, 2001.

Amendment  
of section  
2 of  
Guj. 18 of  
1993.

2. In the Gujarat Panchayats Act, 1993 (hereinafter referred to as "the principal Act"), in section 2, clause (13) shall be deleted.

Guj. 18 of  
1993.

Amendment  
of section  
200 of  
Guj. 18 of  
1993.

3. In the principal Act, in section 200, in sub-section (1), clause (ii) shall be deleted.

Amendment  
of section  
202 of  
Guj. 18 of  
1993.

4. In the principal Act, in section 202, —
- (a) in sub-section (1), the words "or the collecting of octroi" shall be deleted;
  - (b) in sub-section (3), the words "or octroi, as the case may be" occurring at two places shall be deleted;
  - (c) in sub-section (4), the words "or octroi as the case may be" shall be deleted.

Deletion of  
section  
216 of  
Guj. 18 of  
1993.

5. In the principal Act, section 216 shall be deleted.

Repeal  
and  
savings.

6. (1) The Gujarat Panchayats (Amendment) Ordinance, 2001 is hereby repealed.

Guj. Ord. 4  
of 2001.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act, as amended by this Act.



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to by the Governor on the 3rd August, 2001 is hereby published for  
general information.

V. M. KOTHARE,

Secretary to the Government of Gujarat,  
Legislative and Parliamentary Affairs Department.

### GUJARAT ACT NO. 13 OF 2001.

(First published, after having received the assent of the Governor  
in the "Gujarat Government Gazette", on the 6th August, 2001).

### AN ACT

to provide for levy of cess on turnover of sales of motor spirit in the  
State of Gujarat for the purpose of creating fund in order to compensate  
local authorities consequent on the abolition of octroi and for the  
matters connected therewith and incidental thereto.

It is hereby enacted in the Fifty-second Year of the Republic of India as  
follows :--

### CHAPTER I

### PRELIMINARY

1. (1) This Act may be called the Gujarat Motor Spirit Cess Act, 2001.
- (2) It extends to the whole of the State of Gujarat.
- (3) It shall be deemed to have come into force on the 1<sup>st</sup> May, 2001.

Short title,  
extent and  
commence-  
ment.

**Definitions.****2. (1) In this Act, unless the context otherwise requires, —**

(a) "cess" means the cess on the turnover of sales of motor spirit levied under section 3;

(b) "Collector" means the Collector appointed under section 10 and includes a Special Collector or an Additional Collector appointed under that section;

(c) "local authorities" means —

(i) a municipality constituted under the Gujarat Municipalities Act, 1963; **Guj. 34 of 1964.**

(ii) a village panchayat constituted under the Gujarat Panchayats Act, 1993; **Guj. 18 of 1993.**

(d) "prescribed" means prescribed by rules;

(e) "rules" means rules made under this Act;

(f) "tax" means tax, additional tax and turnover tax levied under the Bombay Sales of Motor Spirit Taxation Act, 1958;

**Bom. LXVI of 1958.**

(g) "Tribunal" means the Gujarat Sales Tax Tribunal constituted under section 28 of the Gujarat Sales Tax Act, 1969, and discharging functions of the Tribunal assigned to it by or under this Act;

**Guj. 1 of 1970.**

(h) "turnover of sales" means sales price including the amount of tax as defined in clause (f) of this section;

(i) "year" means a financial year.

(2) Words and expressions used and not defined in this Act but defined in the Bombay Sales of Motor Spirit Taxation Act, 1958 shall have the meanings respectively assigned to them in that Act.

**Bom. LXVI of 1958.**

**CHAPTER II****LEVY OF CESS AND UTILISATION OF PROCEEDS OF CESS****Levy and collection of cess.**

**3. (1)** For the purpose of providing fund for local authorities in the State of Gujarat, there shall be levied and collected a cess on the turnover of sales of motor spirit by a manufacturer or importer or trader, but after deducting therefrom such turnover on which cess has been paid on earlier turnover of sales of motor spirit :

Provided that such cess shall not be levied at more than one stage.

(2) The cess under sub-section (1) shall be levied in such manner and at such rate or rates not exceeding four per cent. of the turnover of sales of such motor spirit, as may be prescribed and different rates may be prescribed for different kinds of motor spirit.

(3) The cess levied under sub-section (1) shall be payable by the trader.

4. (1) The proceeds of the cess and interest (other than fines) recovered under this Act shall first be credited to the Consolidated Fund of the State and after deduction of the expenses of collection and recovery therefrom shall, under appropriation duly made by law in this behalf, be entered in, and transferred to a separate fund called the "Local Authorities Fund".

Local  
Authorities  
Fund.

(2) Any amount transferred to the Local Authorities Fund under sub-section (1) shall be charged on the Consolidated Fund of the State.

(3) The amount transferred to the Local Authorities Fund shall be expended in such manner and subject to such conditions as may be prescribed for the purpose mentioned in section 3.

5. (1) The cess levied under section 3 shall be payable by trader in such manner as may be prescribed.

Payment of  
cess.

(2) The trader liable to pay cess under section 3 shall furnish at such intervals and to such authority, returns in such form and in such manner as may be prescribed.

6. Where a trader does not pay the amount of cess within the time prescribed for its payment, there shall be paid by such trader, for the period commencing on the date of expiry of the aforesaid period and ending on the date of payment of the amount of cess, simple interest at the rate of twenty-four per cent. per annum on the amount of cess not so paid or any less amount thereof remaining unpaid during such period.

Interest on  
delayed  
payment of  
cess.

7. Where cess under section 3 is levied and collected on the turnover of sales of motor spirit to a trader and such motor spirit is then sold by such trader in the course of inter-State trade or commerce or exported out of the territory of India within six months of such sales, the trader shall, upon an application made in this behalf and subject to such conditions as may be prescribed, be entitled to refund of cess in respect of the sale to him of the motor spirit.

Refund in  
certain  
circum-  
stances.

### CHAPTER III

### REGISTRATION

8. (1) Every trader holding a licence under the Bombay Sales of Motor Spirit Taxation Act, 1958 shall be required to apply for and obtain a registration certificate :

Registration.

Bom. LXVI  
of 1958.

Provided that the Collector may, subject to such conditions as may be prescribed, grant exemption from the provisions of registration to a trader who, by virtue of deduction from turnover of sales, does not become liable to pay cess under this Act.

(2) The application for registration shall be made in such form, within such period and to such authority, as may be prescribed.

(3) On receipt of an application for registration under sub-section (2), the authority on its satisfaction, may issue a certificate of registration in such form as may be prescribed.

Suspension or  
cancellation  
of registra-  
tion.

9. The Collector may, subject to such conditions as may be prescribed, suspend or cancel the registration if,—

- (a) any cess payable under section 5 is not duly paid by the trader;
- (b) there is any breach of conditions subject to which the registration is granted; or
- (c) the trader contravenes any of the provisions of this Act or the rules made thereunder.

#### CHAPTER IV CESS AUTHORITIES

Cess Authori-  
ties.

10. (1) For carrying out the purposes of this Act, the State Government may appoint —

- (a) a person to be the Collector of Motor Spirit Cess for the whole of the State of Gujarat;
- (b) a person to be the Special Collector of Motor Spirit Cess;
- (c) a person to be the Additional Collector of Motor Spirit Cess; and
- (d) such other persons to assist the Collector as the State Government may think fit.

(2) A person appointed under clause (b), (c) or (d) of sub-section (1) shall, within the limits of such area as the State Government may specify, exercise such powers and perform such duties as may be conferred or imposed on him by or under this Act.

#### CHAPTER V LIABILITY TO KEEP ACCOUNTS, SUBMIT STATEMENT AND POWERS OF INSPECTION AND SEARCH

Traders to  
keep accounts  
and submit  
statement.

11. Every trader shall keep and maintain accounts in such form as may be prescribed, of motor spirit manufactured, imported, sold or purchased by him, and shall submit to the officer authorised in this behalf by the Collector, the statement in such form, in such manner and for such period, as may be prescribed:

Provided that where a trader has more than one place of business, the Collector may subject to such terms and conditions as may be prescribed, permit such trader to submit a consolidated statement relating to all or any of his places of business to such officer as the Collector may direct.

Production  
and inspec-  
tion of  
accounts and  
documents  
and search of  
premises.

12. (1) The Collector may, for the purposes of this Act, at all reasonable times—

- (i) require any trader to produce before him accounts, registers or other documents or to furnish any other information; or
- (ii) inspect the accounts, registers and other documents and the stocks of any motor spirit manufactured, stored or kept in any shop, warehouse or place of business of any such trader; or

(iii) enter and search any building, vessel, vehicle or place in which he has reason to believe that any motor spirit is stored or kept for the purpose of sale or manufacture or where the accounts, registers and other documents are kept.

2 of 1974.

(2) All searches made under this section shall be made in accordance with the provisions of the Code of Criminal Procedure, 1973.

13. If the Collector has reason to believe that any trader is attempting to commit an offence punishable under this Act, he may for reasons to be recorded in writing, seize such accounts, registers or other documents of such trader as may be necessary and shall grant a receipt for the same and retain the same only for so long as may be necessary for examination thereof or for prosecution.

Seizure of any documents in certain circumstances.

## CHAPTER VI

### ASSESSMENTS, APPEALS AND REVISION

14. (1) The amount of cess due from a trader shall be assessed by the Collector.

Assessment.

(2) If the Collector is satisfied that the returns furnished by a trader are correct and complete, he shall assess the amount of cess due from the trader on the basis of such returns.

(3) If the Collector is not satisfied that the returns furnished in respect of any period are correct and complete, and he thinks it necessary to require the presence of trader or the production of further evidence, he shall serve on such trader, in the prescribed manner, a notice requiring him on a date and a place specified therein, either to attend and produce or cause to be produced all evidences on which such trader relies in support of his returns, or to produce such evidence as is specified in the notice. On the date specified in the notice, or as soon as may be thereafter, the Collector shall, after considering all the evidences which may be produced, assess the amount of cess due from the trader.

(4) If a trader fails to comply with the terms of any notice issued under sub-section (3), the Collector shall assess, to the best of his judgement, the amount of cess due from him.

15. Save as provided by section 19, no assessment made and no order passed under this Act or the rules made thereunder by the Collector or any person appointed under section 10 to assist him, shall be called in question in any civil court, and save as provided by sections 16 and 17, no appeal or application for revision shall lie against any such assessment or the order.

Bar of certain proceedings.

16. (1) Any trader aggrieved by any order of the Collector, may file an appeal before such authority, within such time and in such manner, as may be prescribed.

Appeal.

(2) No appeal against an order of the assessment shall be entertained by the said authority unless it is accompanied by satisfactory proof of the payment of the cess with interest, if any, in respect of which the appeal has been preferred:

Provided that the said authority may, if it thinks fit, for reasons to be recorded in writing, entertain an appeal against such order,—

(a) without payment of the cess or interest, if any, but on furnishing in the prescribed manner, security for such amount of cess and interest, as it may direct, or

(b) on proof of payment of such smaller sum, with or without security in like manner for such amount of cess and interest which remains unpaid as it may direct.

(3) Subject to such rules of procedure as may be prescribed, the said authority may pass such order on appeal as it may think just and proper.

(4) Every order passed in appeal under this section shall, subject to the provisions of sections 17, 19 and 20 be final.

Revision.

17. (1) Subject to such rules as may be prescribed, and for the reasons to be recorded in writing, the Collector may, upon application or of his own motion, revise any order passed under this Act or the rules made thereunder by a person appointed under section 10 to assist him and subject thereto the Tribunal may, upon application, revise any order passed by the Collector:

Provided that no application under this sub-section shall be entertained if it is not made within a period of four months from the date of the order :

Provided further that before rejecting any application for the revision of any such order, the Collector or as the case may be, the Tribunal, shall record reasons in writing for such rejection.

(2) Before any order is passed under this section which is likely to affect any person adversely, such person shall be given a reasonable opportunity of being heard.

(3) Where an appeal lies under section 16 and no appeal has been filed, no proceedings in revision under this section shall be entertained upon the application of such person.

Extension of period of limitation in certain cases.

18. The prescribed authority may admit an appeal under section 16 and the Collector and the Tribunal may admit an application under section 17 after the expiry of period of limitation laid down in the said sections, if the appellant or, as the case may be, the applicant, satisfies the prescribed authority, the Collector or, as the case may be, the Tribunal, that he had sufficient causes for not preferring the appeal, or making the application, within such period.

Statement of case to High Court.

19. (1) Within ninety days from the date of passing of any order under sub-section (3) of section 16 or sub-section (1) of section 17 affecting any liability of any trader to pay cess, such trader or the Collector, may by application in writing require the Tribunal to refer to the High Court any question of law arising out of such order, and where the Tribunal agrees, it shall draw up a statement of the case and refer it to the High Court.

(2) If, for reasons to be recorded in writing, the Tribunal refuses to make such reference, the applicant may within thirty days of such refusal apply to the High Court against such refusal.

(3) If upon the receipt of an application under sub-section (2), the High Court is not satisfied that such refusal was justified, it may require the Tribunal to state a case and refer it to the High Court; and on receipt of such requisition, the Tribunal shall state and refer the case to the High Court accordingly.

(4) If the High Court is not satisfied that the statements in a case referred under this section are sufficient to enable it to determine the question raised thereby, it may refer the case back to the Tribunal to make such additions thereto or alternations therein as the High Court may direct in that behalf.

(5) The High Court upon hearing of any such case shall decide the question of law raised thereby, and shall deliver its judgement thereon and shall send to the Tribunal a copy of such judgement and the Tribunal shall dispose of the case accordingly.

(6) The payment of the amount, if any, of the cess due in accordance with the order of the Tribunal in respect of which an application has been made under sub-section (1) shall not be stayed pending the disposal of such application or any reference made in consequence thereof, but if such amount is reduced as a result of such reference, the excess cess paid shall be refunded.

20. (1) The Collector may at any time within two years from the date of any order passed by him, either on his own motion or on an application made by any person affected by such order rectify any mistake of fact apparent from the records;

Rectification  
of mistakes.

Provided that no such rectification shall be made if it has the effect of enhancing the cess or reducing the amount of refund, unless the Collector has given notice in writing to such trader of his intention to do so and has allowed such trader a reasonable opportunity of being heard.

(2) The provisions of sub-section (1) shall apply to the rectification of mistake by the Tribunal or the prescribed authority under section 16 as they apply to the rectification of a mistake by the Collector.

(3) Where any such rectification has the effect of reducing the amount of cess, the Collector shall in the prescribed manner refund any due, to such trader.

(4) Where any such rectification has the effect of enhancing the amount of cess or reducing the amount of refund, the Collector shall recover the amount due from such trader in the manner provided in section 32.

## CHAPTER VII

### OFFENCES, PENALTIES AND PROCEDURE

21. Whoever contravenes the provisions of section 8 shall, on conviction, be punished with fine which may extend to twenty thousand rupees and in the case of a continuing contravention, with an additional fine which may extend to one thousand rupees for each day during which such contravention continues after conviction for the first such contravention.

Penalty for  
carrying on  
business  
without  
registration.

22. If any trader liable under section 11 to keep accounts or to submit statements, fails without sufficient cause to keep or submit the same in the manner and at the period prescribed or keeps false accounts or submits false statements, he shall, on conviction, be punished with fine which may extend to twenty

Penalty for  
failure to  
keep accounts  
or submit  
statements.

thousand rupees and in the case of a continuing failure, with an additional fine which may extend to one thousand rupees for each day during which such failure continues, after conviction for the first such failure.

Penalty for failure to comply with requirements of section 12 or for obstructing officer in discharging his duties.

**23. Whoever –**

- (a) fails to comply with any requirement made to him under sub-section (1) of section 12, or
- (b) produces false accounts, registers or documents, or knowingly furnishes false information, or
- (c) obstructs any officer making an inspection, search or seizure under the provisions of this Act, or
- (d) aids or abets any person in the commission of any act specified in clause (a), (b) or (c) of this section,

shall, on conviction, be punished with fine which may extend to twenty thousand rupees and in the case of a continuing contravention, with an additional fine which may extend to one thousand rupees for each day during which such contravention continues after conviction for the first such contravention.

Offences by companies.

**24. (1)** Where an offence under this Act has been committed by a company, every person who at the time the offence was committed, was in charge of, and was responsible to the company for the conduct of the business of the company, as well as company shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly :

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

*Explanation.*— For the purpose of this section —

- (a) “company” means a body corporate and includes a firm or other association of individuals; and
- (b) “director” in relation to a firm means a partner in the firm.

Cognisance of offences.

**25.** No court shall take cognisance of any offence punishable under this Act except with the previous sanction of the Collector.

26. (1) Any officer specially empowered by the State Government in this behalf may enter and search, at any time any building, vessel, vehicle or place in which he has reason to believe that motor spirit is kept for the purpose of sale contrary to the provisions of this Act or any rules made thereunder.

Power of entry and search.

2 of 1974.

(2) All searches under this section shall be made in accordance with the provisions of the Code of Criminal Procedure, 1973.

27. (1) Every officer not below such rank as may be prescribed shall, within the area for which he is appointed, have power to investigate all offences punishable under this Act.

Powers of investigation.

2 of 1974.

(2) Every such officer shall, in the conduct of such investigation, exercise the powers conferred by the Code of Criminal Procedure, 1973 upon an officer in-charge of police station for the investigation of a cognisable offence.

## CHAPTER VIII

### MISCELLANEOUS

28. Subject to the general or special orders of the State Government, the Collector may delegate any of the powers conferred upon him by or under this Act to any person appointed to assist him under section 10.

Delegation of powers.

29. The Collector may, after due notice to the trader, by order in writing, transfer any proceedings or class of proceedings under any provisions of this Act or the rules made thereunder, from himself to any other officer and he may likewise transfer any such proceedings (including proceeding already transferred under this section) from one such officer to another officer or to himself.

Powers to transfer proceedings.

30. The Collector, all officers and other employees appointed under this Act shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

XLV of 1860.

Officers to be public servants.

31. No suit, prosecution or other legal proceedings shall lie against any officer or employee appointed under this Act for anything, which is in good faith done or intended to be done in pursuance of the provisions of this Act or the rules made thereunder.

Protection of action taken in good faith.

32. All sums payable as cess or interests (other than fines) under this Act shall, if not paid within the prescribed period or, as the case may be, before such date as the Collector may direct, be recoverable as an arrear of land revenue.

Recovery as arrear of land revenue.

33. Nothing in this Act or the rules made thereunder, shall be deemed to impose or authorise the imposition of a cess on any turnover of sales of motor spirit where such sales takes place –

Certain sales not liable to cess.

(a) outside the State of Gujarat,

(b) in the course of the import of such motor spirit into the territory of India or the export of the goods out of such territory, or

(c) in the course of inter-State trade or commerce.

*Explanation.*— For the purpose of this section, whether a sale takes place —

- (i) outside the State of Gujarat, or
- (ii) in the course of import of the goods into the territory of India or the export of the goods out of such territory, or
- (iii) in the course of inter-State trade or commerce

shall be determined in accordance with the principle specified in sections 3, 4 and 5 of the Central Sales Tax Act, 1956.

LXXIV of  
1956.

Power to  
make rules.

34. (1) The State Government may, by notification in the *Official Gazette*, make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely : —

- (a) the stage at which, the rate at which and the manner in which, the cess shall be levied and collected under section 3;
- (b) the manner in which and conditions subject to which the Local Authorities Fund shall be expended under section 4;
- (c) the manner in which the cess shall be payable by trader under sub-section (1) of section 5;
- (d) the intervals at which, the authority to which, the form in which and the manner in which the return shall be furnished under sub-section (2) of section 5;
- (e) the conditions subject to which a trader shall be entitled to refund of cess under section 7;
- (f) the conditions subject to which the exemption from the provisions of registration may be granted by the Collector under sub-section (1) of section 8;
- (g) the form in which, period within which and the authority to which the application for registration shall be made under sub-section (2) of section 8;
- (h) the form in which certificate of registration shall be issued under sub-section (3) of section 8;
- (i) the conditions subject to which the Collector may suspend or cancel registration under section 9;
- (j) the form in which accounts shall be maintained by the trader under section 11;
- (k) the form in which, the manner in which and the period for which statements shall be submitted under section 11;
- (l) terms and conditions subject to which the trader may be permitted to submit a consolidated statement under the proviso to section 11;

(m) the manner in which a notice shall be served by the Collector on a trader under sub-section (3) of section 14;

(n) the manner in which, the time within which and the authority to which an appeal may be preferred under sub-section (1) of section 16;

(o) the manner in which the security shall be furnished under the proviso to sub-section (2) of section 16;

(p) the rules of procedure subject to which the authority may pass an order on appeal under sub-section (3) of section 16;

(q) the rules subject to which the Collector or the Tribunal may revise an order under sub-section (1) of section 17;

(r) the manner in which the Collector may refund the amount of cess under sub-section (3) of section 20;

(s) the rank of officer who shall have power to investigate offences under sub-section (1) of section 27.

(3) Any rule made under this section may provide that any person contravening any such rule shall be liable, on conviction, to be punished with a fine which may extend to one thousand rupees and in the case of a continuing contravention with an additional fine which may extend to fifty rupees for each day during which such contravention continues after conviction for the first such contravention.

(4) The power to make rules conferred by this section shall be subject to the condition of the rules being made after previous publication :

Provided that if the State Government is satisfied that circumstances exist which render it necessary to take immediate action, it may dispense with the previous publication of any rule to be made under this section.

(5) All rules made under this Act shall be laid for not less than thirty days before the State Legislature as soon as they are made and shall be subject to rescission by the State Legislature or to such modification as the State Legislature may make during the session in which they are so laid or the session immediately following.

(6) Any rescission or modification so made by the State Legislature shall be published in the *Official Gazette* and shall thereupon take effect.

Guj. Ord. 7 of  
2001.

35. (1) The Gujarat Motor Spirit Cess Ordinance, 2001 is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under this Act.

Repeal and  
savings.



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# The Gujarat Government Gazette EXTRAORDINARY

PUBLISHED BY AUTHORITY

VOL. XLII] MONDAY, AUGUST 6, 2001 / SRAVANA 15, 1923

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## PART - IV

### Acts of the Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 3rd August, 2001 is hereby published for general information.

**V. M. KOTHARE,**

Secretary to the Government of Gujarat,  
Legislative and Parliamentary Affairs Department.

### GUJARAT ACT NO. 14 OF 2001.

(First published, after having received the assent of the Governor in the "Gujarat Government Gazette", on the 6th August, 2001).

### AN ACT

further to amend the Gujarat Municipalities Act, 1963..

*further to amend the Gujarat Municipalities Act, 1963.*

It is hereby enacted in the Fifty-second Year of the Republic of India as follows:—

1. (1) This Act may be called the Gujarat Municipalities (Amendment) Act, 2001.

Short title  
and  
commence-  
ment.

(2) It shall be deemed to have come into force on the 1<sup>st</sup> May, 2001.

Amendment of section 2 of Guj. 34 of 1964. 2. In the Gujarat Municipalities Act, 1963 (hereinafter referred to as "the principal Act"), in section 2, clause (16) shall be deleted. Guj. 34 of 1964.

Amendment of section 64 of Guj. 34 of 1964.

3. In the principal Act, in section 64, —

- (1) in sub-section (1), in clause (b), for the words "for the levy of octroi duty and tolls whereby the octroi duties and tolls respectively", the words "for the levy of tolls whereby tolls" shall be substituted;
- (2) in the marginal note, the words "Joint levy of octroi" shall be deleted.

Amendment of section 99 of Guj. 34 of 1964.

4. In the principal Act, in section 99, in sub-section (1), —

- (1) clause (iv) shall be deleted;
- (2) in clause (xv), after the words "to any entertainment", the words "or octroi" shall be inserted;
- (3) in the second proviso, paragraph (b) shall be deleted.

Amendment of Chapter VIII of Guj. 34 of 1964.

5. In the principal Act, in Chapter VIII, in sub-heading (5), the words "Octroi and" shall be deleted.

Deletion of sections 121 to 125, 128, 129 and 129A of Guj. 34 of 1964.

6. In the principal Act, sections 121, 122, 123, 124, 125, 128, 129 and 129A shall be deleted.

Amendment of section 127 of Guj. 34 of 1964.

7. In the principal Act, in section 127, —

- (1) for sub-section (1), the following shall be substituted, namely :—

Power to  
seize  
vehicle or  
animal on  
non-  
payment  
of toll.

“(1) In the case of non payment on demand of any toll leviable by a municipality, any person appointed to collect such toll may seize any vehicle or animal on which the toll is chargeable or any part of the burden on such vehicle or animal which is of sufficient value to satisfy the demand, and may detain the same. He shall thereupon give the person in possession of the vehicle or animal seized, a list of the property together with a written notice in the form specified in Schedule VI.”;

(2) in sub-sections (2) and (3), the words “octroi or” wherever they occur, shall be deleted;

(3) in sub-section (4), the words “octroi, or” shall be deleted;

(4) in the marginal note, the words “octroi or” shall be deleted.

8. In the principal Act, in section 132, in sub-section (1), in clause (b), the words “an octroi or” shall be deleted.

Amendment  
of section 132  
of Guj. 34 of  
1964.

9. In the principal Act, in section 275, in sub-section (1), clause (1) shall be deleted.

Amendment  
of section 275  
of Guj. 34 of  
1964.

10. In the principal Act, in section 278, in sub-section (2), clause (a) shall be deleted.

Amendment  
of section 278  
of Guj. 34 of  
1964.

Guj. Ord.  
5 of  
2001.

11. (1) The Gujarat Municipalities (Amendment) Ordinance, 2001 is hereby repealed.

Repeal  
and  
savings.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act, as amended by this Act.



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general information.

**V. M. KOTHARE,**  
Secretary to the Government of Gujarat,  
Legislative and Parliamentary Affairs Department.

### GUJARAT ACT NO. 15 OF 2001.

(First published, after having received the assent of the Governor  
in the "*Gujarat Government Gazette*", on the 6th August, 2001).

### AN ACT

further to amend the Bombay Provincial Municipal Corporations Act, 1949.

It is hereby enacted in the Fifty-second Year of the Republic of India as  
follows:-

1. (1) This Act may be called the Bombay Provincial Municipal  
Corporations (Gujarat Amendment) Act, 2001.

Short title  
and com-  
mencement.

(2) It shall be deemed to have come into force on the 1<sup>st</sup> May, 2001.

Amend-  
ment of  
section 127  
of Bom.  
LIX of  
1949.

2. In the Bombay Provincial Municipal Corporations Act, 1949 (hereinafter referred to as "the principal Act"), in section 127, in sub-section (2), for clause (a), the following shall be substituted, namely:—

Bom. LIX  
of 1949.

"(a) Octroi on goods other than motor spirit as defined in the Bombay Sales of Motor Spirit Taxation Act, 1958."

Bom. LXVI  
of 1958.

Repeal  
and  
savings.

3. (1) The Bombay Provincial Municipal Corporations (Gujarat Amendment) Ordinance, 2001 is hereby repealed.

Guj. Ord. 6  
of 2001.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act, as amended by this Act.

GOVERNMENT CENTRAL PRESS, GANDHINAGAR.



# The Gujarat Government Gazette

## EXTRAORDINARY

PUBLISHED BY AUTHORITY

VOL XLII]

FRIDAY, AUGUST 31, 2001 /BHADRA 9, 1923

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The following Act of the Gujarat Legislature, having been assented to by the Governor on the 31<sup>st</sup> August, 2001 is hereby published for general information.

V. M. KOTHARE,  
Secretary to the Government of Gujarat,  
Legislative and Parliamentary Affairs Department.

#### GUJARAT ACT NO. 16 OF 2001.

(First published, after having received the assent of the Governor in the "Gujarat Government Gazette", on the 31<sup>st</sup> August, 2001).

#### AN ACT

further to amend the Gujarat Town Planning and Urban Development Act, 1976.

It is hereby enacted in the Fifty-second Year of the Republic of India as follows :—

1. (1) This Act may be called the Gujarat Town Planning and Urban Development (Amendment) Act, 2001.

Short title and  
commence-  
ment.

(2) This section and section 2 shall be deemed to have come into force on the 28th April, 2001 and the remaining sections shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Amendment of  
section 5 of  
President's  
Act No. 27 of  
1976.

2. In the Gujarat Town Planning and Urban Development Act, 1976 (hereinafter referred to as "the principal Act"), in section 5, after sub-section (3), the following sub-section shall be inserted, namely :—

President's  
Act No. 27 of  
1976.

" (3A) Notwithstanding anything contained in sub-section (1), the State Government, to deal with the situation arising out of natural calamity or disaster, may by notification, constitute the area development authority or reconstitute any existing area development authority constituted under sub-section (1), for any development area declared as such under section 3, consisting of such members as it deems fit."

Insertion of  
new section  
6B in  
President's  
Act No. 27 of  
1976.

3. In the principal Act, after section 6A, the following section shall be inserted, namely :—

Powers of  
Collector to  
suspend  
execution of  
order etc. of  
appropriate  
authority.

" 6B (1) A copy of every order, resolution or decision of the appropriate authority shall be sent to the Collector of the district.

(2) If, in the opinion of the Collector, the execution of any order, resolution or decision of an appropriate authority or the doing of anything which is about to be done or is being done by or on behalf of an appropriate authority is causing or is likely to cause injury or annoyance to the public or to lead to a breach of the peace or is unlawful, he may by order in writing suspend the execution or prohibit the doing thereof and where the execution of any work in pursuance of the order or resolution of an appropriate authority is already commenced or completed, direct an appropriate authority to restore the position in which it was before the commencement of such work.

(3) When the Collector makes any order under this section, he shall forthwith forward to an appropriate authority affected thereby a copy of the order with a statement of the reasons for making it and also submit a report to the State Government along with copies of such order and statement.

(4) Against the order made by the Collector under sub-section (1), the appropriate authority or any person affected thereby may prefer an appeal to the State Government within thirty days from the date on which it receives a copy of the order. The State Government may on such appeal rescind the order or may revise or modify or confirm the order or direct that the order shall continue to be in force, with or without modification, permanently or for such period as it may specify :

Provided that the order shall not be revised, modified or confirmed by the State Government without giving the appropriate authority or, as the case may be, person affected thereby reasonable opportunity of showing cause against the order."

Amendment of  
section 22 of  
President's  
Act No. 27 of  
1976.

4. In the principal Act, in section 22, after sub-section (4), the following sub-section shall be inserted, namely :—

"(4A) Notwithstanding anything contained in sub-section (4), the State Government, to deal with the situation arising out of natural calamity or disaster, may by notification constitute the urban development authority or reconstitute any existing urban development authority constituted under sub-section (1), for any urban development area declared as such under sub-section (1), consisting of such members as it deems fit."

5. In the principal Act, in section 51, after the second proviso, the following proviso shall be inserted, namely :-

Amendment of section 51 of President's Act No. 27 of 1976.

Guj. Act No. 2 of 1999.

"Provided also that where the town planning scheme pending before the Town Planning Officer on the date of commencement of the Gujarat Town Planning and Urban Development (Amendment) Act, 1999, has not been sub-divided into a preliminary scheme and a final scheme within the period so extended under the second proviso, the State Government may, by order and for reasons to be recorded in writing, extend the period by such further period not exceeding two years in aggregate from the date of expiry of the period so extended under the said proviso and any such order extending the period may be made so as to have retrospective effect."

Guj. Ord. 2 of 2001.

6. (1) The Gujarat Town Planning and Urban Development (Amendment) Ordinance, 2001 is hereby repealed.

Repeal and savings.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Act.

सरकारी मध्यस्थ प्रेस, गांधीनगर.



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general information.

V. M. KOTHARE,  
Secretary to the Government of Gujarat,  
Legislative and Parliamentary Affairs Department.

### GUJARAT ACT NO. 17 OF 2001.

(First published, after having received the assent of the Governor in  
the "Gujarat Government Gazette", on the 31<sup>st</sup> August, 2001).

### AN ACT

further to amend the Gujarat Tax on Luxury Commodities Act, 1995.

It is hereby enacted in the Fifty-second Year of the Republic of  
India as follows :—

1. (1) This Act may be called the Gujarat Tax on Luxury  
Commodities (Amendment) Act, 2001.

Short title  
and  
commencement.

(2) It shall come into force on the 1<sup>st</sup> September, 2001.

Substitution of  
section 5 of  
Guj. 14 of  
1995.

2. In the Gujarat Tax on Luxury Commodities Act, 1995 (hereinafter referred to as "the principal Act"), for section 5, the following section shall be substituted, namely :-

Guj. 14 of  
1995.

Levy of tax on  
stock of com-  
modities of  
luxury.

"5. There shall be levied on the stock of any of the luxury commodities received by a stockist during a year, a tax at the rate set out against each of them in column 3 in the Schedule. The tax shall be levied on the aggregate value of such stock."

Substitution  
of Schedule to  
Guj. 14 of  
1995.

3. In the principal Act, for the Schedule, the following Schedule shall be substituted, namely :-

### "SCHEDULE

(See clause (4) of section 2 and section 5)

Serial No.	Description of Luxury commodity	Rate of Tax
1	2	3
1.	Cheroots	Five per cent. of the aggregate value of stock.
2.	Cigarettes	Five per cent. of the aggregate value of stock.
3.	Cigars	Five per cent. of the aggregate value of stock.
4.	Smoking mixtures for pipes and cigarettes	Five per cent. of the aggregate value of stock.
5.	Gutkha	Twenty per cent. of the aggregate value of stock.
6.	Pan Masala with tobacco or Gutkha	Twenty per cent. of the aggregate value of stock."

સરકારી મધ્યસ્થ પ્રેસ, ગાંધીનગર.



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V. M. KOTHARE,  
Secretary to the Government of Gujarat,  
Legislative and Parliamentary Affairs Department.

## GUJARAT ACT NO. 18 OF 2001.

(First published, after having received the assent of the Governor in the "Gujarat Government Gazette", on the 31<sup>st</sup> August, 2001).

## AN ACT

further to amend the Bombay Motor Vehicles Tax Act, 1958.

It is hereby enacted in the Fifty-second Year of the Republic of India as follows :—

1. (1) This Act may be called the Bombay Motor Vehicles Tax (Gujarat Second Amendment) Act, 2001.

Short title and  
commence-  
ment.

(2) It shall come into force on the 1st September, 2001.

Bom. LXV of  
1958.

2. In the Bombay Motor Vehicles Tax Act, 1958 (hereinafter referred to as "the principal Act"), in section 3,—

Amendment of  
section 3 of  
Bom. LXV of  
1958.

(1) in sub-section (1), for the words "Sixth and Seventh", the words "Sixth, Seventh, Eighth and Ninth" shall be substituted;

(2) in the first proviso, after the words "Sixth Schedule", the words "or Eighth Schedule" shall be inserted.

3. In the principal Act, in section 4, in sub-section (1AB), for the words "Sixth Schedule or Seventh Schedule", the words "Sixth Schedule, Seventh Schedule, Eighth Schedule or Ninth Schedule" shall be substituted.

Amendment of  
section 4 of  
Bom. LXV of  
1958.

Amendment of  
section 11 of  
Bom. LXV of  
1958.

4. In the principal Act, in section 11, in sub-section (2), in clause (c), for the words "EIGHTH SCHEDULE", the words "TENTH SCHEDULE" shall be substituted.

Amendment of  
section 25 of  
Bom. LXV of  
1958.

5. In the principal Act, in section 25, for the words "NINTH SCHEDULE", the words "ELEVENTH SCHEDULE" shall be substituted.

Amendment of  
First Schedule  
to Bom. LXV  
of 1958.

6. In the principal Act, in FIRST SCHEDULE, in Part I, in clause III, entries (a), (b) and (c) shall be deleted.

Amendment  
Eighth  
Schedule to  
Bom. LXV of  
1958.

7. In the principal Act, the existing EIGHTH SCHEDULE shall be renumbered as "TENTH SCHEDULE".

Amendment of  
Ninth Sched-  
ule to Bom.  
LXV of 1958.

8. In the principal Act, the existing NINTH SCHEDULE shall be renumbered as "ELEVENTH SCHEDULE".

Insertion of  
new Schedules  
in Bom. LXV  
of 1958.

9. In the principal Act, after SEVENTH SCHEDULE, the following Schedules shall be inserted, namely:—

**"EIGHTH SCHEDULE**

(See section 3)

Motor vehicles registered in the State of Gujarat on or after the 1st September, 2001 and used for the carriage of goods or materials.

---

Maximum rate  
of lump sum tax

Rs.

**Part I** *Motor Vehicles using motor spirit, compressed natural gas or operated by Electric Battery or solar energy.*

Motor vehicles (including tricycles) used for the carriage of goods or materials—

- |  |        |
|--|--------|
| (a) Vehicles the registered laden weight of which does not exceed 750 KG.                      | 9,000  |
| (b) Vehicles the registered laden weight of which exceeds 750 KG but does not exceed 1500 KG.  | 15,000 |
| (c) Vehicles the registered laden weight of which exceeds 1500 KG but does not exceed 3000 KG; | 25,000 |

Provided that where a tax on motor vehicle is levied by any local authority, the maximum rate of tax under this clause for motor vehicles registered for use solely within the limits of such local authority shall,—

(i) in cases where such motor vehicles are wholly or partially exempted by such local authority from the tax levied by such local authority, be the rates specified in this clause;

(ii) in any other case, be two-thirds of the rates so specified.

**Part II** *Motor vehicles using fuel other than motor spirit, compressed natural gas or operated by electric battery or solar energy.*

The rates shown in Part I plus a surcharge of fifty per cent. on all or any class of motor vehicles mentioned therein.

**NINTH SCHEDULE**

(See section 3)

Motor vehicles specified in the Eighth Schedule registered in the State of Gujarat before the 1st September, 2001 and the motor vehicles registered in any other State and brought for use or keeping for use in the State of Gujarat on or after the 1st September, 2001.

---

If the age of the vehicle from the month of registration is--		Rate of <i>lump sum</i> tax.
1.	not more than 2 years	95% of the tax.
2.	more than 2 years but not more than 3 years	90% of the tax.
3.	more than 3 years but not more than 4 years	85% of the tax.
4.	more than 4 years but not more than 5 years	80% of the tax.
5.	more than 5 years but not more than 6 years	75% of the tax.
6.	more than 6 years but not more than 7 years	70% of the tax.
7.	more than 7 years but not more than 8 years	65% of the tax.
8.	more than 8 years but not more than 9 years	60% of the tax.
9.	more than 9 years but not more than 10 years	55% of the tax.
10.	more than 10 years but not more than 11 years	50% of the tax.
11.	more than 11 years but not more than 12 years	45% of the tax.
12.	more than 12 years but not more than 13 years	40% of the tax.
13.	more than 13 years but not more than 14 years	35% of the tax.
14.	more than 14 years.	30% of the tax.

*Explanation.*— For the purposes of this Schedule, the expression 'tax' means the tax leviable under the Eighth Schedule."

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GOVERNMENT CENTRAL PRESS, GANDHINAGAR.



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# The Gujarat Government Gazette EXTRAORDINARY

PUBLISHED BY AUTHORITY

VOL XLII]

FRIDAY, AUGUST 31, 2001 /BHADRA 9, 1923

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## PART - IV

Acts of the Gujarat Legislature and Ordinances promulgated  
and Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by  
the Governor on the 31<sup>st</sup> August, 2001 is hereby published for general  
information.

V. M. KOTHARE,

Secretary to the Government of Gujarat,  
Legislative and Parliamentary Affairs Department

### GUJARAT ACT NO. 19 OF 2001.

(First published, after having received the assent of the Governor in  
the "Gujarat Government Gazette", on the 31<sup>st</sup> August, 2001).

### AN ACT

further to amend the Bombay Stamp Act, 1958.

It is hereby enacted in the Fifty-second Year of the Republic of India as  
follows :-

1. (1) This Act may be called the Bombay Stamp (Gujarat  
Amendment) Act, 2001. Short title and  
commencement
- (2) It shall come into force on the 1<sup>st</sup> September, 2001.

Amendment of  
section 2 of  
Bom. LX of  
1958.

2. In the Bombay Stamp Act, 1958 (hereinafter referred to as "the principal Act"), in section 2, in clause (g) -

Bom. LX of  
1958.

- (i) in sub-clause (iii), the word "or" shall be deleted;
- (ii) in sub-clause (iv), for the words "amalgamation of companies", the words "reconstruction or amalgamation of companies, or" shall be substituted;
- (iii) after sub-clause (iv), the following sub-clause shall be inserted, namely :-

"(v) any writing or letter of allotment in respect of the premises, given to its members or allottee by a co-operative society registered or deemed to have been registered under the Gujarat Co-operative Societies Act, 1961 or a corporation or an association formed and registered under the Bombay Non-Trading Corporation Act, 1959 or the Gujarat Ownership Flat Act, 1973, as the case may be."

Guj. X of 1962.

Bom. XXVI of  
1959.

Guj. 13 of 1973.

Amendment of  
section 32A of  
Bom. LX of  
1958.

3. In the principal Act, in section 32A, in sub-section (1), after the words "shall be accompanied by a true copy thereof", the words, "and the Statement in such form as may be prescribed by rules" shall be inserted.

Substitution of  
section 48 of  
Bom. LX of  
1958.

4. In the principal Act, for section 48, the following section shall be substituted, namely :-

Period within  
which  
application for  
relief under  
Section 47 to be  
made.

"48. The application for relief under section 47 shall be made within the following period, that is to say, -

- (a) in the cases mentioned in sub-clause (5) of clause (c), within six months from the date of execution of the instruments;
- (b) in the case of an instrument substituted by another and not presented for cancellation, within six months from the date of execution of the substituting instrument;
- (c) in all other cases, within six months from the date of purchase of impressed stamps."

5. In the principal Act, after section 52 B, the following section shall be inserted, namely :-

Insertion of new section 52 C in Bom. LX of 1958.

Invalidation of stamps and savings.

Guj. 19 of 2001.

"52C. Notwithstanding anything contained in sections 47, 50, 51 and 52, -

- (a) any impressed stamps which have been purchased on or after the date of commencement of the Bombay Stamp (Gujarat Amendment) Act, 2001 (hereinafter referred to as "the said date") shall be used or presented for claiming allowance within a period of six months from the date of purchase. Any such stamps which have not been used or no allowance has been claimed in respect thereof within the period of six months from the date of purchase shall be rendered invalid;
- (b) any impressed stamps which have been purchased but have not been used or no allowance has been claimed in respect thereof before the said date, may be used or presented for claiming the allowance under the relevant provisions of the Act within a period of six months from the said date. The stamps which have not been used or presented within the aforesaid period of six months shall be rendered invalid."

6. In the principal Act, in Schedule I, -

Amendment of Schedule I to Bom LX of 1958.

- (1) in article 5, after clause (g), the following clause shall be inserted, namely :-

"(ga) if relating to giving authority or power to a promoter or a developer; by whatever name called, for construction on; or development of, or sale or transfer (in any manner whatsoever) of, any immovable property.

One rupee for every hundred rupees or part thereof of the market value of the property which is the subject matter of such agreement:

Provided that the provisions of section 32A shall, *mutatis mutandis*, apply to such agreement, memorandum or records thereof or as they apply to an instrument under that section:

Provided further that if the

proper stamp duty is paid under clause (g) of article 45 on a power of attorney executed between the same parties in respect of the same property, then the stamp duty under this article shall be fifty rupees.”;

(2) in article 20, –

(i) in clause (a), for the words and figures "under article No. 56.", the words and figures "under article No. 56, relating to immovable property" shall be substituted;

(ii) before clause (a), the following clause shall be inserted, namely :-

“(aa) CONVEYANCE, Two rupees for every hundred rupees or part thereof of the amount of the consideration for such conveyance or, as the case may be, the market value of the property which is the subject matter of such conveyance whichever is greater.”;

(iii) after clause (c), the following clause shall be inserted, namely :-

“(cc) CONVEYANCE, The stamp duty as is payable (not being a transfer under clause (a) and (aa), as the charged or exempted under case may be.”;  
article No. 56) if relating to both movable and immovable property.

(iv) in clause (d), for the words “amalgamation”, the words “reconstruction or amalgamation” shall be substituted;

(3) in article 27, –

(i) in clause (b), for item (ii), the following shall be substituted, namely :-

“(ii) if possession is not so given. Subject to maximum of two lakhs rupees, two rupees for every hundred rupees or part thereof, for the amount of the further charge secured by such instrument.”;

(ii) clause (c) shall be deleted;

(4) in article 36, -

(i) for clause (b), the following clause shall be substituted, namely:-

<p>“(b) when possession of the property or any part of the property comprised in such deed is not given or not agreed to be given.</p>	<p>Subject to maximum of rupees two lakhs, two rupees for every hundred rupees or part thereof for the amount secured by such deed.”;</p>
--	---

(ii) *Explanation II* and *Explanation III* shall be deleted;

(5) in article 45, -

(i) for clause (g), the following clause shall be substituted, namely:-

<p>“(g) When given to a promoter or developer; by whatever name called, for construction on; or development of, or sale or transfer (in any manner whatsoever) of, any immovable property.</p>	<p>One rupee for every hundred rupees or part thereof of the market value of the property which is the subject matter of such power of attorney:</p> <p>Provided that the provisions of section 32A shall <i>mutatis mutandis</i> apply to such an instrument of power of attorney as they apply to a conveyance under that section:</p> <p>Provided further that when proper stamp duty is paid under clause (ga) of article 5, on an agreement or records thereof or memorandum of an agreement executed between the same parties and in respect of same property, the duty chargeable under this clause shall be rupees one hundred.”;</p>
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(ii) in *Explanation III*, for the word, bracket and letter “clause (g)”, the word, bracket and letter “clause (f)” shall be substituted.



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### PART - IV

#### Acts of the Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 31<sup>st</sup> August, 2001 is hereby published for general information.

V. M. KOTHARE,  
Secretary to the Government of Gujarat,  
Legislative and Parliamentary Affairs Department.

#### GUJARAT ACT NO. 20 OF 2001.

(First published, after having received the assent of the Governor in the "Gujarat Government Gazette", on the 31<sup>st</sup> August, 2001).

#### AN ACT

further to amend the *Gujarat Sales Tax Act, 1969*.

It is hereby enacted in the Fifty-second Year of the Republic of India as follows :--

1. (1) This Act may be called the Gujarat Sales Tax (Second Amendment) Act, 2001.
- (2) It shall come into force on the 1st September, 2001.
2. In the Gujarat Sales Tax Act, 1969 (hereinafter referred to as "the principal Act"), in section 2, in clause (21), figures "32" shall be deleted.
3. In the principal Act, for section 30A, the following section shall be substituted, namely :-

Short title  
and  
commence-  
ment.

Amendment  
of section 2  
of Guj. 1 of  
1970.

Substitution  
of section  
30A of Guj.  
1 of 1970.

Guj. 1 of  
1970.

Fresh  
registration  
of dealers.

**“30A.** (1) Every registered dealer who holds, on the date of commencement of the Gujarat Sales Tax (Second Amendment) Act, 2001 <sup>Guj. 29 of 2001.</sup> (hereinafter referred to as “the specified date”), a valid certificate of registration (hereinafter referred to as “the existing certificate of registration”) shall obtain a fresh certificate of registration as provided in this section in lieu of the existing certificate of registration.

(2) Every registered dealer required to obtain a fresh certificate of registration under sub-section (1) shall apply in the prescribed manner within such period from the specified date as may be prescribed, to the authority prescribed for the purpose of section 29.

(3) The prescribed authority, on receipt of the application under sub-section (2), shall, subject to the provisions of this Act, issue to the applicant a fresh certificate of registration in the prescribed form, which shall be effective from such date as may be prescribed and thereupon all the provisions of this Act in respect of a certificate of registration shall, so far as may be, apply to such fresh certificate of registration and references to a certificate of registration in any licence, recognition, permit or other document granted to the applicant shall be construed as references to the fresh certificate of registration issued to him.

(4) Where any registered dealer fails to make an application under sub-section (2), the Commissioner shall impose upon such dealer by way of penalty a sum of fifty rupees for every day after the expiry of the period prescribed under sub-section (2) for making such application during which such default continues.”.

Amendment  
of section  
30AA of Guj.  
1 of 1970.

4. In the principal Act, in section 30AA,—

(1) after sub-section (2), the following sub-section shall be inserted, namely :—

“(2A) (a) Where a registered dealer does not pay the amount of tax as per his declarations or returns within the prescribed period for three or more consecutive periods, the Commissioner shall serve on such dealer in the prescribed manner, a notice requiring him on or before the date specified therein to pay the amount of tax as per the declarations or returns.

(b) Where a dealer fails to pay the amount of tax as required by the notice served upon him under clause (a) before the expiry of the date specified therein, the Commissioner shall, without prejudice to any penalty leviable on such dealer under this Act, cancel the certificate of registration of such dealer:

Provided that notwithstanding the cancellation of certificate of registration under this sub-section, the liability of the dealer shall continue in respect of any tax, penalty or interest for any period prior to the date of the order of the Commissioner canceling the certificate of registration.” ;

(2) in sub-section (3), after the words, brackets and figure “sub-section (2)”, the words, letters, brackets and figure “or clause (b) of sub-section (2A)” shall be inserted;

(3) after sub-section (3), the following sub-section shall be inserted, namely :-

“(4) The Commissioner shall, within ten days of cancellation of certificate of registration under this section, publish in the prescribed manner the details of such cancellation of registration.”.

5. In the principal Act, for section 41AA, the following section shall be substituted, namely :-

Substitution  
of section  
41AA of Guj  
1 of 1970.

Special  
provision for  
deemed  
assessment  
for the period  
prior to 1st  
April, 2000.

“41AA. (1) Notwithstanding anything contained in sub-sections (2) and (3) of section 41, where any dealer has furnished the declarations or returns in respect of any specified period by such dates as prescribed therefor and paid the amount of tax due according to such declaration or return within the time prescribed by or under the Act –

(a) in the case of a dealer whose tax payable for the specified period to which the declaration or return relates does not exceed fifteen thousand rupees, the amount of tax due from the dealer in respect of such declaration or return shall, irrespective of whether a notice under sub-section (3) of section 41 is issued or not, be deemed to have been assessed, if the dealer at his option makes payment of one thousand rupees for each specified period in the Government treasury on or before the 30<sup>th</sup> November, 2001;

(b) in the case of a dealer whose tax payable for the specified period to which the declaration or return relates exceeds fifteen thousand rupees but does not exceed twenty-five thousand rupees, the amount of tax due from such dealer in respect of such declaration or return shall, irrespective of whether a notice under sub-section (3) of section 41 is issued or not, be deemed to have been assessed, if the dealer at his option makes payment of two thousand rupees for each specified period in the Government treasury on or before the 30<sup>th</sup> November, 2001.

(2) The payment made by a dealer under clause (a) or (b) of sub-section (1) shall be construed,—

- (a) as if the dealer had furnished revised declaration or revised return under sub-section (3) of section 40, and
  - (b) as payment made under sub-section (3) of section 47 towards the liability of the dealer to pay tax under such revised declaration or revised return.
- (3) Nothing in this section shall apply to a dealer,—
- (a) whose books of accounts, registers, documents have been impounded or seized under section 59, or
  - (b) who has availed of tax exemption or tax deferment under any of the incentive schemes of Government of Gujarat.

*Explanation.*—For the purpose of this section, the words “specified period” means—

(a) in relation to a dealer who maintains regular books of accounts, any year or part of the year prior to 1st April, 2000 by reference to which the accounts are maintained by him; and

(b) in relation to any other dealer, any financial year or part of the financial year prior to the said date.”

Amendment  
of section 47  
of Guj. 1 of  
1970.

6. In the principal Act, in section 47, in sub-section (4A), for the words “twenty-four per cent.” wherever they occur, the words “eighteen per cent.” shall be substituted.

Amendment  
of section 54  
of Guj. 1 of  
1970.

7. In the principal Act, in section 54, in sub-section (1), for the words “fourteen per cent.” occurring at two places, the words “nine per cent.” shall be substituted.

Amendment  
of Schedule I  
to Guj. 1 of  
1970.

8. In the principal Act, in Schedule I, the entry at serial No. 4 shall be deleted.

Amendment  
of Schedule II  
Part A to Guj.  
1 of 1970.

9. In the principal Act, in Schedule II, in part A,—

(1) in the entries at serial No. 13 and 14, in columns 3 and 4, for the words “Two paise”, the words “Four paise” shall be substituted;

(2) in the entry at serial No. 28, in columns 3 and 4, for the words “Twelve paise”, the words “Eight paise” shall be substituted;

(3) in the entry at serial No. 40, in columns 3 and 4, for the words "Twenty paise", the words "Sixteen paise" shall be substituted;

(4) in the entry at serial No. 44, in clause (A), in columns 3 and 4, for the words "Six paise", the words "Four paise" shall be substituted;

(5) in the entry at serial No. 56, in columns 3 and 4, for the words "Two paise", the words "Four paise" shall be substituted;

(6) after the entry at serial No. 71, the following entry shall be inserted, namely :-

1.	2.	3.	4.
"72.	Bamboo, whether whole or split and articles made of bamboo.	Eight paise in the rupee;	Eight paise in the rupee."

(7) in the entry at serial No. 94, in sub-entry (ii), in columns 3 and 4, for the words "Two paise", the words "Four paise" shall be substituted;

(8) in the entry at serial No. 100, for sub-entry (ii), the following sub-entry shall be substituted, namely :-

1.	2.	3.	4.
"(ii)	pickles, sauces, jams, jellies, ketch-up, pulps and preserved fruits.	Twelve paise in the rupee.	Twelve paise in the rupee."

(9) in the entry at serial No. 101, in sub-entry (ii), in columns 3 and 4, for the words "Six paise", the words "Eight paise" shall be substituted;

(10) in the entry at serial No. 128, in sub-entry (6), in columns 3 and 4, for the words "Twelve paise", the words "Eight paise" shall be substituted;

(11) in the entry at serial No. 132, in column 2, for the words "with or without tobacco", the words "without tobacco" shall be substituted;

(12) after the entry at serial No. 150, the following entry shall be inserted, namely :-

1.	2.	3.	4.
"151A	Sim-cards.	Four paise in the rupee.	Four paise in the rupee."

(13) in the entry at serial No. 179, in columns 3 and 4, for the words "Twelve paise", the words "Eight paise" shall be substituted;

(14) in the entry at serial No. 187, in columns 3 and 4, for the words "Four paise", the words "Eight paise" shall be substituted;



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V. M. KOTHARE,

Secretary to the Government of Gujarat,  
Legislative and Parliamentary Affairs Department.

#### GUJARAT ACT NO. 21 OF 2001.

(First published, after having received the assent of the Governor in the "Gujarat Government Gazette", on the 31<sup>st</sup> August, 2001).

#### AN ACT

to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of the State of Gujarat for the services of the financial year ending on the thirty-first day of March, 2002.

It is hereby enacted in the Fifty-second Year of the Republic of India as follows :—

1. This Act may be called the Gujarat Appropriation Act, 2001.

Short title.

2. From and out of the Consolidated Fund of the State of Gujarat, there may be withdrawn sums not exceeding those specified in column 3 of the Schedule hereto annexed amounting in the aggregate to the sum of seventeen thousand, five hundred twenty crores, seventy-eight lakhs, forty-seven thousand rupees towards defraying the several charges which will come in course of payment during the financial year 2001-2002 in respect of the services and purposes specified in column 2 of the Schedule.

Withdrawal of  
Rs.1,75,20,78,47,000  
from and out of the  
Consolidated Fund  
of the State of  
Gujarat for the  
financial year  
2001-2002.

3. The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Gujarat by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year.

Appropriation.

2

**SCHEDULE**  
(See sections 2 and 3)

No. of Vote/ Appropriation	Services and purposes		Sums not exceeding		
			Voted	Charged on the Consolidated Fund	Total
1	2				
			Rs.	Rs.	Rs.
1	Agriculture and Co-operation Department	Revenue	2,87,75,000	—	2,87,75,000
2	Agriculture	Revenue	3,77,52,87,000	—	3,77,52,87,000
		Capital	(-) 23,75,000	—	(-) 23,75,000
3	Minor Irrigation, Soil Conservation and Area Development	Revenue	28,83,77,000	—	28,83,77,000
		Capital	18,06,000	—	18,06,000
4	Animal Husbandry and Dairy Development	Revenue	30,84,16,000	—	30,84,16,000
		Capital	40,00,000	—	40,00,000
5	Co-operation	Revenue	21,98,10,000	—	21,98,10,000
		Capital	3,80,49,000	—	3,80,49,000
6	Other expenditure pertaining to Agriculture and Co-operation Department	Capital	1,64,89,000	—	1,64,89,000
7	Education Department	Revenue	1,61,55,000	—	1,61,55,000
8	Education	Revenue	24,04,91,01,000	59,75,96,000	24,64,66,97,000
		Capital	6,000	—	6,000
9	Other expenditure pertaining to Education Department	Revenue	3,09,80,000	—	3,09,80,000
		Capital	57,48,24,000	—	57,48,24,000
10	Energy and Petro-Chemicals Department	Revenue	68,62,000	—	68,62,000
11	Tax Collection Charges (Energy and Petro-Chemicals Department)	Revenue	3,59,40,000	—	3,59,40,000
12	Energy Projects	Revenue	8,56,60,57,000	1,16,67,000	8,57,77,24,000
		Capital	(-) 5,37,50,000	—	(-) 5,37,50,000
13	Other expenditure pertaining to Energy and Petro-Chemicals Department	Revenue	2,50,000	—	2,50,000
		Capital	10,21,33,000	—	10,21,33,000

No. of Vote/ Appro- priation	Services and purposes		Sums not exceeding		
			Voted	Charged on the Consolidated Fund	Total
1	2			3	
			Rs.	Rs.	Rs.
14	Finance Department	Revenue	3,74,79,000	—	3,74,79,000
		Capital	4,37,000	—	4,37,000
15	Tax Collection Charges (Finance Department)	Revenue	36,23,07,000	—	36,23,07,000
16	Treasury and Accounts Administration	Revenue	23,74,90,000	—	23,74,90,000
17	Pension and other Retirement Benefits	Revenue	7,61,72,25,000	5,83,000	7,61,78,08,000
18	Other expenditure pertaining to Finance Department	Revenue	1,86,94,92,000	—	1,86,94,92,000
		Capital	1,61,66,000	58,000	1,62,24,000
19	Repayment of debt pertaining to Finance Department and its servicing	Revenue	—	22,26,88,16,000	22,26,88,16,000
		Capital	—	32,71,24,00,000	32,71,24,00,000
20	Food, Civil Supplies and Consumer Affairs Department	Revenue	3,74,91,000	—	3,74,91,000
21	Civil Supplies	Revenue	79,76,75,000	—	79,76,75,000
22	Food	Revenue	6,88,77,000	—	6,88,77,000
		Capital	34,23,58,000	—	34,23,58,000
23	Other expenditure pertaining to Food, Civil Supplies and Consumer Affairs Department	Capital	19,90,000	—	19,90,000
24	Forests and Environment Department	Revenue	1,11,56,000	—	1,11,56,000
25	Forests	Revenue	61,48,34,000	11,08,000	61,59,42,000
		Capital	69,64,89,000	—	69,64,89,000
26	Environment	Revenue	2,45,83,000	—	2,45,83,000
27	Other expenditure pertaining to Forests and Environment Department	Capital	93,15,000	—	93,15,000

No. of Vote/ Appropriation	Services and purposes	Sums not exceeding			Total
		Voted	Charged on the Consolidated Fund		
1	2		3		
		Rs.	Rs.	Rs.	
28	Governor	Revenue —	1,24,27,000	1,24,27,000	
29	Council of Ministers	Revenue 2,16,59,000	—	2,16,59,000	
30	Elections	Revenue 31,50,49,000	—	31,50,49,000	
31	Public Service Commission	Revenue 71,88,000	1,55,34,000	2,27,22,000	
32	General Administration Department	Revenue 73,16,04,000	—	73,16,04,000	
33	Economic Advice and Statistics	Revenue 6,26,96,000	—	6,26,96,000	
34	Other expenditure pertaining to General Administration Department	Revenue(-) 12,09,96,18,000 Capital 18,29,71,03,000	3,27,000 (-) —	12,09,92,91,000 18,29,71,03,000	
35	State Legislature	Revenue 5,19,26,000	5,51,000	5,24,77,000	
36	Loans and Advances to Government Servants in Gujarat Legislature Secretariat	Capital 6,84,000	—	6,84,000	
37	Health and Family Welfare Department	Revenue 2,45,68,000	—	2,45,68,000	
38	Medical and Public Health	Revenue 4,31,47,66,000	—	4,31,47,66,000	
39	Family Welfare	Revenue 84,58,20,000	—	84,58,20,000	
40	Other expenditure pertaining to Health and Family Welfare Department	Revenue 75,53,47,000 Capital 2,60,18,000	— —	75,53,47,000 2,60,18,000	
41	Home Department	Revenue 2,44,06,000	—	2,44,06,000	
42	Police	Revenue 4,38,09,09,000	—	4,38,09,09,000	
43	Jails	Revenue 14,48,65,000	—	14,48,65,000	
44	Transport	Revenue 1,05,70,17,000 Capital 2,74,17,000	— —	1,05,70,17,000 2,74,17,000	

No. of Vote/ Appro- priation	Services and purposes		Sums not exceeding		Total
			Voted	Charged on the Consolidated Fund	
1	2				
			Rs.	Rs.	Rs.
45	State Excise	Revenue	3,09,50,000	—	3,09,50,000
46	Other expenditure pertaining to Home Department	Revenue	38,51,23,000	1,75,000	38,52,98,000
		Capital	1,00,86,50,000	—	1,00,86,50,000
47	Industries and Mines Department	Revenue	2,91,57,000	—	2,91,57,000
48	Stationery and Printing	Revenue	25,68,03,000	—	25,68,03,000
49	Industries	Revenue	4,00,07,51,000	—	4,00,07,51,000
		Capital	53,30,66,000	—	53,30,66,000
50	Mines and Minerals	Revenue	16,23,59,000	—	16,23,59,000
51	Tourism	Revenue	58,15,79,000	—	58,15,79,000
		Capital	10,00,000	—	10,00,000
52	Other expenditure pertaining to Industries and Mines Department	Revenue	2,44,50,000	—	2,44,50,000
		Capital	75,52,000	—	75,52,000
53	Information and Broadcasting Department	Revenue	42,60,000	—	42,60,000
54	Information and Publicity	Revenue	14,92,96,000	—	14,92,96,000
55	Other expenditure pertaining to Information and Broadcasting Department	Revenue	1,34,69,000	—	1,34,69,000
		Capital	23,57,000	—	23,57,000
56	Labour and Employment Department	Revenue	1,66,83,000	—	1,66,83,000
57	Labour and Employment	Revenue	64,59,46,000	10,000	64,59,56,000
58	Other expenditure pertaining to Labour and Employment Department	Capital	1,23,01,000	—	1,23,01,000
59	Legal Department	Revenue	1,30,01,000	—	1,30,01,000
60	Administration of Justice	Revenue	57,87,26,000	8,10,66,000	65,97,92,000
61	Other expenditure pertaining to Legal Department	Revenue	3,01,14,000	—	3,01,14,000
		Capital	1,01,92,000	—	1,01,92,000

No. of Vote/ Appropriation	Services and purposes		Sums not exceeding		
			Voted	Charged on the Consolidated Fund	Total
1	2				
			Rs.	Rs.	Rs.
62	Legislative and Parliamentary Affairs Department	Revenue	1,08,66,000	—	1,08,66,000
63	Other expenditure pertaining to Legislative and Parliamentary Affairs Department	Capital	3,86,000	—	3,86,000
64	Narmada, Water Resources and Water Supply Department	Revenue	3,09,17,000	—	3,09,17,000
65	Narmada Development Scheme	Capital	2,98,55,00,000	—	2,98,55,00,000
66	Irrigation and Soil Conservation	Revenue	10,05,19,22,000	26,07,000	10,05,45,29,000
		Capital	1,29,20,69,000	1,01,91,000	1,30,22,60,000
67	Water Supply	Revenue	72,43,49,000	—	72,43,49,000
		Capital	73,53,50,000	—	73,53,50,000
68	Other expenditure pertaining to Narmada, Water Resources and Water Supply Department	Revenue	29,000	1,45,07,000	1,45,36,000
		Capital	3,26,96,000	—	3,26,96,000
69	Panchayats, Rural Housing and Rural Development Department	Revenue	1,77,33,000	—	1,77,33,000
70	Community Development	Revenue	1,05,28,10,000	—	1,05,28,10,000
71	Rural Housing and Rural Development	Revenue	1,90,75,19,000	93,50,57,000	2,84,25,76,000
		Capital	(-) 3,57,50,000	—	(-) 3,57,50,000
72	Compensation and Assignments	Revenue	52,66,75,000	—	52,66,75,000
73	Other expenditure pertaining to Panchayats, Rural Housing and Rural Development Department	Revenue	35,73,39,000	—	35,73,39,000
		Capital	12,71,00,000	—	12,71,00,000
74	Fisheries	Revenue	11,96,76,000	—	11,96,76,000
		Capital	4,68,57,000	—	4,68,57,000
75	Other Expenditure pertaining to Ports and Fisheries Department	Revenue	48,43,000	—	48,43,000
		Capital	16,71,000	—	16,71,000
76	Revenue Department	Revenue	6,47,60,000	—	6,47,60,000

No. of Vote/ Appropriation	Services and purposes		Sums not exceeding		
			Voted	Charged on the Consolidated Fund	Total
1	2		3		
			Rs.	Rs.	Rs.
77	Tax Collection Charges (Revenue Department)	Revenue	32,96,17,000	—	32,96,17,000
78	District Administration	Revenue	41,94,25,000	10,61,000	42,04,86,000
79	Relief on account of Natural Calamities	Revenue	1,79,00,00,000	—	1,79,00,00,000
80	Dangs District	Revenue	9,80,72,000	—	9,80,72,000
81	Compensation and Assignments	Revenue	13,90,29,000	18,66,000	14,08,95,000
		Capital	1,17,000	1,75,000	2,92,000
82	Other expenditure pertaining to Revenue Department	Revenue	63,54,000	—	63,54,000
		Capital	4,03,02,000	—	4,03,02,000
83	Roads and Building Department	Revenue	2,52,60,000	—	2,52,60,000
84	Non-Residential Buildings	Revenue	1,33,61,52,000	15,46,000	1,33,76,98,000
		Capital	40,41,55,000	—	40,41,55,000
85	Residential Buildings	Revenue	46,68,99,000	2,13,000	46,71,12,000
		Capital	3,34,79,000	—	3,34,79,000
86	Roads and Bridges	Revenue	3,13,54,34,000	58,06,000	3,14,12,40,000
		Capital	1,69,39,65,000	18,51,000	1,69,58,16,000
87	Gujarat Capital Construction Scheme	Revenue	4,84,78,000	—	4,84,78,000
		Capital	5,45,21,000	—	5,45,21,000
88	Other expenditure pertaining to Roads and Building Department	Revenue	8,34,68,000	54,74,000	8,89,42,000
		Capital	1,51,33,000	—	1,51,33,000
89	Social Justice and Empowerment Department	Revenue	1,33,52,000	—	1,33,52,000
90	Social Security and Welfare	Revenue	1,32,19,90,000	58,33,000	1,32,78,23,000
		Capital	80,22,000	—	80,22,000
91	Welfare of Scheduled Tribes	Revenue	31,58,73,000	—	31,58,73,000
		Capital	1,25,83,000	—	1,25,83,000
92	Other expenditure pertaining to Social Justice and Empowerment Department	Capital	45,80,000	—	45,80,000

No. of Vote/ Appro- priation	Services and purposes		Sums not exceeding		
			Voted	Charged on the Consolidated Fund	Total
1	2		3		
			Rs.	Rs.	Rs.
93	Special Component Plan for Scheduled Castes	Revenue	1,17,78,37,000	—	1,17,78,37,000
		Capital	7,52,27,000	—	7,52,27,000
94	Tribal Area Sub-Plan	Revenue	3,59,27,73,000	2,71,000	3,59,30,44,000
		Capital	45,50,90,000	2,95,000	45,53,85,000
95	Sports, Youth and Cultural Activities Department	Revenue	56,05,000	—	56,05,000
96	Youth Services and Cultural Activities	Revenue	18,61,68,000	—	18,61,68,000
97	Other expenditure pertaining to Sports, Youth and Cultural Activities Department	Capital	20,31,000	—	20,31,000
98	Urban Development and Urban Housing Department	Revenue	98,02,000	—	98,02,000
99	Urban Housing	Revenue	(-) 2,51,33,000	28,62,32,000	26,10,99,000
100	Urban Development	Revenue	2,02,38,33,000	—	2,02,38,33,000
		Capital	(-) 2,43,83,000	—	(-) 2,43,83,000
101	Compensation, Assignments and Tax Collection Charges	Revenue	49,47,25,000	16,04,77,000	65,52,02,000
102	Other expenditure pertaining to Urban Development and Urban Housing Department	Revenue	50,83,000	—	50,83,000
		Capital	20,67,000	—	20,67,000
Total :		Revenue	88,43,50,22,000	24,41,08,10,000	1,12,84,58,32,000
		Capital	29,63,70,45,000	32,72,49,70,000	62,36,20,15,000
Grand Total :			1,18,07,20,67,000	57,13,57,80,000	1,75,20,78,47,000



# The Gujarat Government Gazette

## EXTRAORDINARY

PUBLISHED BY AUTHORITY

VOL XLII]

FRIDAY, AUGUST 31, 2001 / BHADRA 9, 1923

Separate paging is given to this Part in order that it may be filed as a Separate Compilation.

### PART - IV

#### Acts of the Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 31<sup>st</sup> August, 2001 is hereby published for general information.

V. M. KOTHARE,

Secretary to the Government of Gujarat,  
Legislative and Parliamentary Affairs Department.

#### GUJARAT ACT NO. 22 OF 2001.

(First published, after having received the assent of the Governor in the "Gujarat Government Gazette", on the 31<sup>st</sup> August, 2001).

#### AN ACT

to provide for the levy of a tax in the State of Gujarat on the entry of certain goods into a local area of the State from any place outside the State, but not outside the territory of the Union of India for consumption, use or sale therein and for the matters connected therewith or incidental thereto.

It is hereby enacted in the Fifty-second Year of the Republic of India as follows:—

#### CHAPTER I

#### PRELIMINARY

1. (1) This Act may be called the Gujarat Tax on Entry of Specified Goods into Local Areas Act, 2001.
- (2) It extends to the whole of the State of Gujarat.
- (3) It shall come in to force on the 1<sup>st</sup> September, 2001.

Short title,  
extent and  
commencement.

## Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "Appellate Authority" means an Appellate Authority appointed under section 6;

(b) "Appellate Tribunal" means the Gujarat Sales Tax Tribunal constituted under section 28 of the Gujarat Sales Tax Act, 1969;

Guj. 1 of 1970.

(c) "Assessing Authority" means any officer appointed under section 5;

(d) "entry of specified goods into a local area" with all its grammatical variations and cognate expressions means entry of specified goods into a local area from any place outside the State but not being a place outside the territory of the Union of India, for consumption, use or sale therein;

(e) "importer" means a person who brings any of the specified goods into a local area from any place outside the State but not being a place outside the territory of the Union of India, for consumption, use or sale therein;

(f) "local area" means,—

(i) a city within the meaning of the Bombay Provincial Municipal Corporations Act, 1949;

Bom. LIX of 1949.

(ii) a municipal borough, transitional area, small urban area or a notified area within the meaning of the Gujarat Municipalities Act, 1963;

Guj. 34 of 1964.

(iii) a village, within the meaning of the Gujarat Panchyats Act, 1993;

Guj. 18 of 1993.

(iv) a cantonment within the meaning of the Cantonment Act, 1924;

II of 1924.

(g) "person" includes any company or association or body of individuals, whether incorporated or not, a society, a club or an institution and also a Hindu Undivided Family, a firm, a local authority, the Central Government or any State Government;

(h) "prescribed" means prescribed by rules;

(i) "purchase value" means the value of the specified goods as ascertained from the original invoice and includes insurance, excise, duties, counter-vailing duties, sales tax, transport fee, octroi, freight charges and all other charges incidentally levied on the purchase of the specified goods and in the case of the specified goods mentioned at serial number 1 of the Schedule also the value of accessories fitted therein:

Provided that where purchase value of the specified goods is not ascertainable on account of non-availability or non-production of the original invoice, or when the invoice produced is proved to be false, or if the specified goods are acquired or obtained otherwise than by way of purchase, then the purchase value shall be the value or price at which the specified goods of the like kind or quality are sold or are capable of being sold, in open market in the local area:

(j) "rules" means rules made under this Act;

(k) "specified goods" means goods specified in column 2 of the Schedule;

(l) "State" means the State of Gujarat;

(m) "tax" means the tax payable under this Act.

## CHAPTER II

## INCIDENCE AND LEVY OF TAX

3. (1) Subject to the other provisions of this Act, on and from the 1st day of September, 2001, there shall be levied and collected on the entry of specified goods into a local area, a tax on the purchase value thereof at such rates as may be fixed by the State Government by notification in the *Official Gazette*, but not exceeding the maximum rates specified in column 4 of the Schedule; and different rates may be fixed for different specified goods.

Incidence of tax.

(2) The tax shall be payable and paid by an importer in such manner and within such time as may be prescribed.

(3) The tax shall be in addition to the tax levied and collected as octroi by a municipal corporation of a city constituted under the Bombay Provincial Municipal Corporations Act, 1949 or any other local authority, as the case may be, within its local area.

Bom. LIX of 1949.

4. (1) The amount of tax leviable under this Act shall, subject to such conditions as may be prescribed, be reduced to the extent of the amount of tax paid, if any, under the law relating to Sales Tax as may be in force in any other State or Union Territory by an importer who had purchased the specified goods in that State.

Reduction in tax liability.

(2) The amount of tax leviable under this Act shall, subject to such conditions as may be prescribed, be reduced to the extent of the amount of tax paid, if any, under the Central Sales Tax Act, 1956 on the purchase of the specified goods in the course of inter-State trade or commerce.

74 of 1956.

(3) Where an importer of specified goods, liable to pay tax under this Act, being a dealer in the specified goods, becomes liable to pay tax under the Gujarat Sales Tax Act, 1969 or the Bombay Sales of Motor Spirit Taxation Act, 1958 by virtue of the sale of such specified goods, then his liability under the Gujarat Sales Tax Act, 1969 or the Bombay Sales of Motor Spirit Taxation Act, 1958 shall be reduced to the extent of tax paid under this Act.

Guj. 1 of 1970.

Bom. LXVI of 1958.

## CHAPTER III

## TAX AUTHORITIES

5. The State Government may, by notification in the *Official Gazette*, appoint such officers to be the Assessing Authorities for the purpose of this Act and may assign to them such local area or areas as may be specified in the notification.

Assessing Authorities.

6. The State Government may, by notification in the *Official Gazette*, appoint such officers to be the Appellate Authorities for the purpose of this Act and may assign to them such local area or areas as may be specified in the notification.

Appellate Authorities.

## CHAPTER IV

## RETURNS, ASSESSMENTS, PAYMENTS, RECOVERY

## AND REFUND OF TAX

## Returns.

7. (1) Every person liable to pay tax under this Act shall furnish returns in such form, for such period, by such dates, and to such authority as may be prescribed.

(2) If any person liable to pay tax under this Act, having furnished return under sub-section (1) discovers any omission or incorrect statement therein, he may furnish a revised return before the expiry of three months from the last date prescribed for furnishing the original return.

## Assessment.

8. (1) The amount of tax due from a person liable to pay tax under this Act shall be assessed separately for such period as may be prescribed.

(2) If the Assessing Authority is satisfied that the return furnished by a person liable to pay tax under this Act is correct and complete, he shall assess the amount of tax due from the person on the basis of such return.

(3) If the Assessing Authority is not satisfied that the return furnished by a person liable to pay tax under this Act is correct and complete, and the Assessing Authority thinks it necessary to require the presence of the person or the production of further evidence, the Assessing Authority shall serve on the person in the prescribed manner a notice requiring him on a date and at a place specified therein, either to attend and produce or cause to be produced all evidence on which the person relies in support of his return, or to produce such evidence as is specified in the notice. On the date specified in the notice, or as soon as may be thereafter, the Assessing Authority shall, after considering all the evidence which may be produced, assess the amount of tax due from the person.

(4) If a person fails to comply with the requirements of any notice issued under sub-section (3), the Assessing Authority shall determine the purchase value of the specified goods under the proviso to clause (i) of section 2 and assess to the best of his judgement, the amount of tax due from him.

(5) No order of assessment under sub-section (3) or (4) shall be made after the expiry of three years from the last date prescribed for furnishing of returns of the particular period. If for any reason, such order is not made within the period aforesaid, then the return so furnished shall be deemed to have been accepted as correct and complete for assessing the tax due from such person.

## Reassessment.

9. If, after a person liable to pay tax under this Act has been assessed under section 8 for any period, the Assessing Authority has reason to believe that any purchase value or part thereof has, in respect of that period, escaped assessment, or has been under assessed or assessed at a lower rate, then the Assessing Authority may, within five years from the date of the order of assessment of the particular period, after giving the person a reasonable opportunity of being heard, reassess, to the best of his judgement, the tax due from him.

10. (1) The tax shall be paid in the manner hereinafter provided.

Payment of  
tax.

(2) A person liable to pay the tax, shall, before furnishing return as required by sub-section (1) of section 7, first pay into the Government treasury in the prescribed manner, the whole of the amount of tax due from him according to such return.

(3) If a person liable to pay the tax furnishes a revised return in accordance with sub-section (2) of section 7, and if such revised return shows that the amount of tax is larger than the amount of tax already paid or payable, he shall first pay into the Government treasury in the prescribed manner the additional amount of tax according to such revised return.

(4) The amount of—

(i) tax due where return has been furnished without full payment thereof, or

(ii) difference in the tax assessed under section 8 or reassessed under section 9 for any period and the sum already paid by the person in respect of such period, and

(iii) penalty (if any) levied under section 17

shall be paid by the person into the Government treasury by such date as may be specified in the notice issued by the Assessing Authority for this purpose, being a date not earlier than thirty days from the date of service of the notice.

(5) Any tax or penalty which remains unpaid after the date specified in the notice for payment, shall be recoverable as an arrear of land revenue, and for that purpose all the Assessing Authorities shall have and exercise all the powers of a Collector under the provisions of the Bombay Land Revenue Code, 1879.

Bom, V of  
1879.

11. The Assessing Authority shall, on an application made in such form and within such period as may be prescribed, refund to a person the amount of tax and penalty, if any, paid by such person in excess of the amount due from him. The refund may be either by cash payment, or at the option of such person, by deduction of such excess from the amount of tax and penalty, if any due from such person in respect of any other period:

Refund of tax.

Provided that the Assessing Authority shall first apply such excess towards the recovery of any amount due in respect of which a notice under sub-section (4) of section 10 has been issued, and shall then refund the balance, if any, in such manner as may be prescribed.

12. (1) No tax shall be levied and collected in respect of motor vehicles mentioned at serial number 1 in the Schedule if such motor vehicles are registered in any other State or Union Territory of India under the Motor Vehicles Act, 1988 for a period exceeding fifteen months before their entry into a local area of the State.

Exemptions.

(2) Subject to such conditions as it may impose, the State Government may, if it is necessary so to do in public interest, by notification in the *Official Gazette*, exempt any class of importers from payment of the whole or any part of the tax payable under this Act.

## CHAPTER V

### APPEAL

#### Appeal.

13. (1) An appeal from every original order under this Act or the rules made thereunder shall lie to the Appellate Authority appointed under section 6.

(2) In the case of an order passed in appeal by the Appellate Authority, a second appeal shall lie to the Appellate Tribunal.

(3) No appeal shall be entertained by the Appellate Authority or the Appellate Tribunal unless it is filed within thirty days from the date of receipt of the order, appealed against by the assessee and unless the entire amount of tax and penalty, if any, has been credited by the assessee in the Government treasury :

Provided that an Appellate Authority or the Appellate Tribunal may, if it thinks fit, for reasons to be recorded in writing, entertain an appeal against such order—

(a) without payment of tax with penalty (if any) or, as the case may be, of the penalty, or

(b) on proof of payment of such smaller sum as it may consider reasonable, or

(c) on the appellant furnishing in prescribed manner, security for such amount as the Appellate Authority or as the case may be, the Appellate Tribunal may direct.

(4) Subject to such rules of procedure as may be prescribed, every Appellate Authority or as the case may be, the Appellate Tribunal shall have the following powers, namely :—

(a) in an appeal against an order of assessment, it may confirm, reduce, enhance or annul the assessment; or it may set aside the assessment and refer the case back to the Assessing Authority for making a fresh assessment in accordance with the direction given by it and, after making such further inquiry as may be necessary, the Assessing Authority shall thereupon proceed to make such fresh assessment and determine, where necessary, the amount of tax payable on the basis of such fresh assessment; and

(b) in any other case, the Appellate Authority or the Appellate Tribunal, as the case may be, may pass such orders on appeal as it deems just and proper.

36 of 1963

14. In computing the period laid down under section 13, the provisions of sections 4 and 12 of the Limitation Act, 1963 shall, so far as may be, apply.

Application of sections 4 and 12 of Limitation Act.

15. An Appellate Authority and the Appellate Tribunal may admit any appeal under section 13 after the period of limitation laid down in the said section, if the appellant satisfies the Appellate Authority or the Appellate Tribunal, as the case may be, that he had sufficient cause for not preferring the appeal within such period.

Extension of period of limitation in certain cases.

16. Where, any person, after the tax has become due from him under this Act, creates a charge on, or parts with the possession by way of sale, mortgage, exchange or any other mode of transfer whatsoever of any of his property in favour of any other person with the intention of defrauding the Government revenue, such charge or transfer shall be void as against any claim in respect of any tax or any other sum payable by the person under this Act:

Transfer to defraud revenue void.

Provided that such charge or transfer shall not be void if made for valuable consideration and without notice of any proceeding under this Act.

## CHAPTER VI

### PENALTY

17. (1) If any person liable to pay tax under this Act fails to comply with any of the provisions of this Act, then the Assessing Authority may, after giving such person a reasonable opportunity of being heard, by order in writing, impose on him, in addition to any tax payable, a sum by way of penalty not exceeding twice the amount of tax.

Penalty.

(2) If the person does not, without reasonable cause, pay the tax within the time, he is required by or under the provisions of this Act, to pay it, the Assessing Authority may, after giving such person a reasonable opportunity of being heard, by order in writing, impose upon him by way of penalty, in addition to the amount of tax and penalty under sub-section (1), a sum of equal to eighteen per cent. per annum for the period during the time the person continues to make default in the payment of tax.

(3) If any person commits breach of any rule punishable with penalty, the Assessing Authority may, after giving such person a reasonable opportunity of being heard, by order in writing impose upon him a sum by way of penalty not exceeding the sum of penalty specified in the rule.

## CHAPTER VII

### MISCELLANEOUS

18. All officers and servants appointed under this Act shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

XLV of 1860.

Officers and servants to be public servant.

Protection of  
action taken  
in good faith.

19. No suit, prosecution or other legal proceedings shall lie against the Government, or any public servant for anything which is in good faith done or purported to be done under this Act.

Power to  
make rules.

20. (1) The State Government may, by notification in the *Official Gazette*, and subject to the condition of previous publication, make rules for carrying out the purposes of this Act:

Provided that if the State Government is satisfied that the circumstances exist which render it necessary for it to take immediate action, it may dispense with the previous publication of any rule to be made under this section.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely: —

(a) the duties and powers of officers appointed for the purpose of enforcing the provisions of this Act;

(b) all matters expressly required or allowed by this Act to be prescribed;

(c) generally regulating the procedure to be followed and the forms to be adopted in proceedings under this Act;

(d) any other matter including levy of fees for which there is no provision or no sufficient provision in this Act and for which provision is, in the opinion of the State Government, necessary for giving effect to the purposes of this Act;

(e) the procedure for any other matters (including fees) incidental to the disposal of appeal, and the value of court-fee stamp which a memorandum of appeal should bear;

(f) the person who may appear or attend before any authority in connection with any proceedings under the Act, including, his qualifications, the conditions subject to which the person shall be entitled to appear and attend and the form of authorisation authorising such person to attend.

(3) In making any rules under this section, the State Government may direct that the breach thereof shall be punishable with penalty not exceeding two thousand rupees and when the breach is a continuing one, with a daily penalty not exceeding one hundred rupees during the continuance of the breach.

(4) All rules made under this section shall be laid for not less than thirty days before the State Legislature as soon as may be after they are made and shall be subject to rescission by the State Legislature or to such modification as the State Legislature may make during the session in which they are so laid or the session immediately following.

(5) Any rescission or modification so made by the State Legislature shall be published in the *Official Gazette*, and shall thereupon take effect.

## SCHEDULE

(See section 2(k) and section 3 (I))

## PART I

Sr. No.	Specified goods	Entry in Schedule II, Part A of the Gujarat Sales Tax Act, 1969.	Maximum rate of tax
1	2	3	4
1.	Motor Vehicles including Motor cars, motor taxi-cabs, motoettes, motor omnibuses, motor vans, motor lorries.	128(1)	Twelve per cent.
	Motor cycles, motorcycle combinations, motor scooters, mopeds.	128(2)	Twelve per cent.
	Chassis of motor vehicles	128(4)	Twelve per cent.
	Body which is built on chassis of motor vehicles.	128(5)	Twelve per cent.
2.	Cement	80	Fifteen per cent.
3.	Marbles or granite (raw or polished)	124	Twelve per cent.
4.	Kota stones	163(1)	Six per cent.
5.	Naphtha	40	Sixteen per cent.
6.	Light Diesel Oil	34	Eight per cent.

## PART II

The Bombay Sales of Motor Spirit Taxation Act, 1958.

Sr. No.	Specified goods	--	Maximum rate of tax
1	2	3	4
7.	High Speed Diesel Oil.	--	Eighteen per cent. and Additional tax at the rate of Twenty per cent of the amount of tax.

Explanation.—For the purposes of this Schedule. -

Guj. 1 of 1970.

Bom. LXVI of 1958.

- (1) Where sales of any of the specified goods at Sr. No. 1 to 6 of the Schedule is, by notification under sub-section (2) of section 49 of the Gujarat Sales Tax Act, 1969 exempt from whole or any part of the tax payable under that Act, the maximum rate of tax for such goods shall be reduced by such exemption.
- (2) Where sales of the specified goods at Sr. No. 7 of the Schedule is, by notification under section 35 of the Bombay Sales of Motor Spirit Taxation Act, 1958, exempt from whole or any part of the tax payable under that Act, the maximum rate of tax for such goods shall be reduced by such exemption.



# The Gujarat Government Gazette EXTRAORDINARY

PUBLISHED BY AUTHORITY

VOL XLII]

SATURDAY, SEPTEMBER 1, 2001 /BHADRA- 10, 1923

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## PART - IV

Acts of the Gujarat Legislature and Ordinances promulgated  
and Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by  
the Governor on the 1<sup>st</sup> September, 2001 is hereby published for general  
information.

**V. M. KOTHARE,**  
Secretary to the Government of Gujarat,  
Legislative and Parliamentary Affairs Department.

### GUJARAT ACT NO. 23 OF 2001.

(First published, after having received the assent of the Governor in  
the "Gujarat Government Gazette", on the 1<sup>st</sup> September, 2001).

### AN ACT

to regularise unauthorised development in urban development  
area or development area in the State.

It is hereby enacted in the Fifty-second Year of the Republic of India  
as follows :—

1. (1) This Act may be called the Gujarat Regularisation of Unauthorised  
Development Act, 2001.

Short title  
and  
commence-  
ment.

(2) It shall be deemed to have come into force on  
the 22<sup>nd</sup> November, 2000.

2. (1) In this Act, unless the context otherwise requires,—

Definitions.

(a) "area development authority" means the authority constituted  
under section 5 of the Gujarat Town Planning and Urban Development  
Act, 1976 (hereinafter in this section referred to as "the Gujarat Act");

President's  
Act No. 27 of  
1976.

(b) "Commissioner" shall have the meaning assigned to it in clause (9) of section 2 of the Bombay Provincial Municipal Corporations Act, 1949 (hereinafter in this section referred to as "the Bombay Act");

Bom. LIX of  
1949.

(c) "designated authority" means the Commissioner, the area development authority or, as the case may be, urban development authority;

(d) "development" shall have the meaning assigned to it in clause (viii) of section 2 of the Gujarat Act;

(e) "development area" shall have the meaning assigned to it in clause (ix) of section 2 of the Gujarat Act;

(f) "prescribed" means prescribed by rules made under section 9;

(g) "the relevant law" means the Bombay Act or the Gujarat Act or any rules or bye-laws, regulations, standing orders or orders made thereunder;

(h) "urban development authority" shall have the meaning assigned to it in clause (xxviii) of section 2 of the Gujarat Act.

(2) Development shall be deemed to be unauthorised if no permission of authority competent to give such permission is obtained therefor, or having obtained such permission, the development is in contravention of the relevant law or of such permission.

Regularisation  
of  
unauthorised  
development.

3. (1) (a) A notice issued to a person under the relevant law at any time before the 22<sup>nd</sup> November, 2000 requiring such person to remove or pull down or alter unauthorised development carried out, owned or occupied by him; or

(b) any order issued or decision taken under the relevant law at any time before the 28th April, 2001, the date on which the Gujarat Regularisation of Unauthorised Development Ordinance, 2001 was first published, directing removal or pulling down or alteration of unauthorised development carried out, owned or occupied by a person,

Guj. Ord. 3  
of 2001.

shall —

(i) in the case of (a) be deemed to have stood suspended with effect on and from the 22<sup>nd</sup> November, 2000, and

(ii) in the case of (b) be deemed to have stood suspended with effect on and from the 28th April, 2001.

unless and until such notice, order or decision stands revived under sub-section (5).

(2) (a) Notwithstanding anything contained in the relevant law or in the order issued or the decision taken under the relevant law, directing removal, pulling down or alteration of unauthorised development, where in the opinion of the designated authority—

(i) a person has, at any time before the 22<sup>nd</sup> November, 2000 carried out any unauthorised development in urban development area or development area, and

(ii) such unauthorised development may, having regard to the provisions of section 4, be regularised,

the designated authority may, within such period and in such manner as may be prescribed, serve on the person a notice requiring him within such period not being less than a month as may be specified therein to comply with such requisitions made under section 4 and specified therein and to pay to the designated authority such fees per square metre of each category of unauthorised development as may, subject to the provisos, be determined by the designated authority and specified therein:

Provided that the designated authority shall fix fees, subject to the maxima and the minima specified in the Table below:

Provided further that different rates of fees may be determined by the designated authority for different categories of unauthorised development in different areas and for different unauthorised uses.

(b) It shall be lawful for the designated authority to form the opinion referred to in clause (a) either on the basis of information available with it or an application made to it by a person who has carried out or who owns or occupies the unauthorised development.

(c) The designated authority, shall, as soon as may be, after service of notice to a person under clause (a), cause the substance thereof to be published for the information of the public, in such manner as may be prescribed.

## TABLE OF FEES

Category of unauthorised development 1	Maximum and minimum fees per square metre. 2
<b>A. For uses other than commercial.</b>	
1. Margin and set-backs	Not more than Rs. 1200 and not less than Rs.600
2. Floor Space Index	Not more than Rs.2000 and not less than Rs.700
3. Covered projection	Not more than Rs.1100 and not less than Rs.400
4. Change of use	Not more than Rs.1100 and not less than Rs.400
5. Common plot and consolidated open plot.	Not more than Rs.1100 and not less than Rs.400
6. Height of building	Not more than Rs.1200 and not less than Rs.600
<b>B. For commercial use :</b>	(i) Two times of the fees specified for use mentioned in clause A for ground floor and first floor, (ii) One and half times of the fees specified for use mentioned in clause A for floors other than those specified in item (i).
<b>C. In land measuring not exceeding one hundred square metres.</b>	Fifty per cent. of the fees specified for use mentioned in clause A or as the case may be clause B.

**Explanation :** For the purpose of this table, where development of tenements or of flats or of both the tenements and flats has taken place on common land the area of which exceeds one hundred square meters, each owner or occupier of such tenements, flats or, as the case may be, both of tenements and flats, shall be deemed to have held such area of land as is derived by dividing the common land by the total number of Tenements, flats or as the case may be both the tenements and flats developed on such common land.

(3) (a) Subject to the provisions of clause(b), upon the compliance of requisitions made under section 4 and specified in the notice, to the satisfaction of the designated authority and on the payment of fees under sub-section (2), such development shall cease to be unauthorised and a certificate to that effect shall be issued to the person by the designated authority in such form as may be prescribed.

(b)(i) The designated authority shall, before receiving the fees and issuing of the certificate under clause(a), consult a committee of experts consisting of three persons, who have knowledge of and experience in structural engineering, fire fighting and town planning respectively, constituted by the designated authority, on the question as to whether the person has, while

complying the requisitions complied with the fire safety measures and structural stability requirements as per the National Building Code and the Indian Standard Specifications for the time being in force and it shall be the duty of the committee to advise the designated authority on the question so referred.

(ii) The Committee shall follow such procedure for disposal of its business as may be determined by the designated authority.

(4) An amount deposited by a person with the municipal corporation of a city, the area development authority or, as the case may be, the urban area development authority against unauthorised development shall be set off against the fees to be paid by him under sub-section (2).

(5) Where no notice is served upon a person under sub-section (2) within the period prescribed under that sub-section or where a notice is served upon a person under sub-section (2) but a certificate is not obtained by him under sub-section (3) within such period as may be prescribed, the notice, order or, as the case may be, decision referred to in sub-section (1) shall stand revived.

4. (1) An unauthorised development shall not be regularised under sub-section (2) of section 3 in the case where unauthorised development is carried out on any of the following lands, namely:—

Circumstances in which unauthorised development may or may not be regularised.

- (i) land belonging to Government, local authority or statutory body or land in respect of which a dispute exists in relation to its title or tenure,
- (ii) land allotted by the Government, local authority or statutory body for a specific purpose,
- (iii) land under alignment of roads indicated in development plan or a town planning scheme or under alignment of a public road or an internal road, of approved lay out,
- (iv) land designated or reserved under a development plan or a town planning scheme,
- (v) water courses and water bodies like tank beds, river beds, natural drainage and such other places,
- (vi) areas earmarked for the purpose of obnoxious and hazardous industrial development.

(2) Unauthorised development may not be regularised if it is inconsistent with—

(a) any law other than the Bombay Provincial Municipal Corporations Act, 1949 and the Gujarat Town Planning and Urban Development Act, 1976 and any rules, bye-laws, regulations, standing orders or orders made thereunder (hereinafter in clause (b) referred to as "the relevant laws") for the time being in force relating to control or regulation of development,

(b) fire safety measures under the relevant law, and

(c) structural stability requirements as per the National Building Code and the Indian Standard Specifications (prescribed by the Bureau of Indian Standards) for the time being in force:

Bom. LIX  
of 1949.  
President's  
Act No. 27  
of 1976.

Provided that a certificate from the structural engineer authorised by the designated authority certifying compliance of provisions of clause (c) is obtained and submitted to that authority.

(3) (a) The designated authority may regularise any unauthorised development in respect of the following matters, namely:—

- (i) Margins and setbacks,
- (ii) Floor space index,
- (iii) Covered projection,
- (iv) Change of use,
- (v) A common plot and a consolidated open plot,
- (vi) Height of a building.

(b) The designated authority may regularise any unauthorised development in so far as parking and sanitary facilities are concerned subject to the following conditions, namely:—

- (i) A person shall provide such necessary parking facilities in unauthorised development and where it is not so feasible, within such distance not exceeding five hundred metres from the unauthorised development as directed by the designated authority within a period of six months from such direction:

Provided that the designated authority may permit provision of parking facilities at a common place by more than one person.

- (ii) A person shall provide such necessary sanitary facilities in unauthorised development as directed by the designated authority within a period of three months from such direction.

(4) Notwithstanding anything contained in clause (b) of sub-section (2), the designated authority may for the purpose of regularisation, direct making of provisions in the unauthorised development as follows, namely:—

(a) In the case of buildings with 100 per cent. built-up area with no space for water storage tank and installation of fire pumps and no provision of alternate means of escape or no provision for fixed fire-fighting installations, the designated authority may, in consultation with the Chief Fire Officer of the municipal corporation, direct the person to provide such fire safety measures as may be specified in the direction within a period of three months from the date of such direction.

(b) In the case of buildings where no space is available within the complex in which they are situated for the construction of underground water storage tanks and installation of fire pumps but adequate means of escapes are available, the designated authority may direct the person to provide common underground water storage tank and fire pumps in such complex at suitable location within a period of three months from the date of direction.

(c) In the case of high-rise buildings having height of fifteen metres or exceeding fifteen metres, the designated authority may permit a person to install diesel-generating set instead of electric supply to the main fire pump within a period of three months.

5. (1) Any person aggrieved by the notice served upon him or notice published under sub-section (2) of section 3 may, within sixty days from the date of the receipt or, as the case may be, the publication of the notice, prefer an appeal to an Appellate Officer, who shall be a person who has held the office of District Judge for a period not less than three years and appointed in this behalf by the State Government for each City or development area:

Appeal.

Provided that the Appellate Officer may entertain the appeal after the expiry of the said period of sixty days if he is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(2) On receipt of an appeal under sub-section (1), the Appellate Officer may, after giving the appellant an opportunity of being heard, pass an order modifying or cancelling the notice as expeditiously as possible.

(3) The decision of the Appellate Officer under sub-section (2) shall be final and shall not be questioned in any court of law.

(4) No appeal under this section by a person who is served with the notice shall be entertained by the Appellate Officer unless the amount of fees payable by him under the notice is deposited with the designated authority:

Provided that where in the opinion of the Appellate Officer deposit of the amount by the appellant is likely to cause undue hardship to him, the Appellate Officer may in his discretion unconditionally or subject to such conditions as he may think fit to impose, dispense with a part of the amount deposited so however that the part of amount so dispensed with shall not exceed fifty per cent. of the amount deposited or required to be deposited.

(5) The Appellate Officer shall receive from the Municipal Fund of the Municipal Corporation of the City or, as the case may be, the Fund of the area development authority or the urban development authority, such monthly salary and allowances as the State Government may from time to time after consultation with the Corporation of the City or, as the case may be, the authority of the development area for which he is appointed, determine.

Bom. LIX of  
1949.

*Explanation.* - For the purposes of this section, the expression "City" shall have the meaning assigned to it in clause (8) of section 2 of the Bombay Provincial Municipal Corporations Act, 1949.

6. Subject to the rules made under this Act, all fees received under this Act shall be credited to a fund which shall be called the Infrastructure Development Fund and which shall be held by the designated authority in trust for the purpose of augmentation, improvement or creation of an infrastructure facility.

Constitution  
of  
Infrastructure  
Development  
Fund.

Protection of  
action taken  
under the  
Act.

7. (1) No suit, prosecution or other legal proceedings shall lie against any officer or authority for anything which is in good faith done or intended to be done in pursuance of this Act or any rules made thereunder.

(2) No suit or other legal proceedings shall lie against the State Government or any officer or authority for any damage caused or likely to be caused by anything which is in good faith done or intended to be done in pursuance of this Act or any rules made thereunder.

Removal of  
doubt.

8. It is hereby clarified that regularisation of unauthorised development under this Act shall be without prejudice to any civil or the criminal liability to which a person may be subject to under any law.

Power to  
make rules.

9. (1) The State Government may, by notification in the *Official Gazette*, and subject to condition of previous publication, make rules for carrying out the purposes of this Act:

Provided that if the State Government is satisfied that circumstances exist which render it necessary to take immediate action, it may dispense with the previous publication of any rule to be made under this Act.

(2) In particular and without prejudice to the generality of the foregoing provisions such rules may provide for all or any of the following matters, namely:—

(a) the period within which and the manner in which a notice shall be served under sub-section (2) of section 3 and the manner of publication of substance of notice under clause (c) of that sub-section;

(b) the form in which a certificate shall be issued under sub-section (3) of section 3;

(c) the period within which a certificate shall be obtained under sub-section (3) of section 3;

(d) any other matter, which is to be or may be prescribed.

(3) All rules made under this section shall be laid for not less than thirty days before the State Legislature as soon as possible after they are made, and shall be subject to rescission by the State Legislature or to such modification as the State Legislature may make, during the session in which they are so laid or the session immediately following.

(4) Any rescission or modification so made by the State Legislature shall be published in the *Official Gazette*, and shall thereupon take effect.

Repeal and  
savings.

10. (1) The Gujarat Regularisation of Unauthorised Development Ordinance, 2001 is hereby repealed.

Guj. Ord. 3  
of 2001.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance, shall, in so far as it is not inconsistent with the provisions of this Act, be deemed to have been done or taken under this Act.



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VOL XLII]

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## PART - IV

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The following Act of the Gujarat Legislature, having been assented  
to by the Governor on the 1<sup>st</sup> September, 2001 is hereby published for  
general information.

V. M. KOTHARE,

Secretary to the Government of Gujarat,  
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 24 OF 2001.

(First published, after having received the assent of the Governor in  
the "Gujarat Government Gazette", on the 1<sup>st</sup> September, 2001).

## AN ACT

to repeal the Gujarat Legislative Assembly Members' Pension Act, 1984.

It is hereby enacted in the Fifty-second Year of the Republic of  
India as follows:-

1. (1) This Act may be called the Gujarat Legislative Assembly Members' Pension (Repeal) Act, 2001. Short title and commencement.
- (2) It shall be deemed to have come into force on the 8<sup>th</sup> August, 1989.

Repeal and  
savings.

2.

(1) The Gujarat Legislative Assembly Members' Pension Act, **Guj. 18 of 1989.**  
1984 shall stand repealed.

(2) The repeal of the said Act shall not affect any payment already made by the State Government under the said Act in pursuance of any direction, judgement or order of the court.

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GOVERNMENT CENTRAL PRESS, GANDHINAGAR.



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V. M. KOTHARE,  
Secretary to the Government of Gujarat,  
Legislative and Parliamentary Affairs Department.

### GUJARAT ACT NO. 25 OF 2001.

(First published, after having received the assent of the Governor in the "Gujarat Government Gazette", on the 1<sup>st</sup> September, 2001).

## AN ACT

to provide for the promotion and development of public libraries in the State of Gujarat and for that purpose to constitute State Library Development Council and for the matters connected therewith or incidental thereto.

It is hereby enacted in the Fifty-second Year of the Republic of India as follows:-

## CHAPTER I

### PRELIMINARY

1. (1) This Act may be called the Gujarat Public Libraries Act, 2001.

Short title,  
extent and  
commencement.

(2) It extends to the whole of the State of Gujarat.

(3) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

2. In this Act, unless the context otherwise requires, -

Definitions.

(a) "Book" includes,—

(i) every volume, part or division of a volume and pamphlet in any language ;

- (ii) manuscript in any form;
- (iii) every sheet of music, map, graph, chart or plan separately printed or lithographed ;
- (iv) newspapers, periodicals, paintings, posters, photographs, photographic reproduction, gramophonic records, audio-video tapes, floppy, compact discs, slides, microfilms and film scripts for audio visual information and such other materials;
- (v) computer output in any form and computer programmes;
- (b) "Book deposit center" means a center where books are deposited and members of the public can borrow ;
- (c) "Book service center" means a center where members of the library can borrow books through a mobile library ;
- (d) "Council" means the Gujarat State Library Development Council constituted under section 3;
- (e) "Director" means the Director of Public Libraries ;
- (f) "District" means a revenue district ;
- (g) " Education Committee " means an Education Committee of a district panchayat constituted under clause (iii) of sub-section (1) of section 145 of the Gujarat Panchayats Act, 1993; Guj. 18 of 1993
- (h) "Extension service" means and includes the activities pertaining to preservation and promotion of cultural heritage and encouraging the intellectual, literary and scientific character of the community;
- (i) " Library " means and includes collection of books , book deposit center or book service center providing library service or extension service ;
- (j) "Library service" means and includes providing reading facilities, lending out Books to the members of the library and assisting the readers to procure book and relevant information ;
- (k) "Members of the library" means registered members of the library;
- (l) "Local Authority" means a municipal corporation, a municipality, a panchayat, including notified area and cantonment constituted under the relevant local authority law;
- (m) "Municipal School Board" means a Municipal School Board as defined in clause (ii) of sub-section (ii) of section 2 of the Bombay Primary Education Act, 1947; Bom. 61 of 1947
- (n) "Municipality" includes the person or committee appointed under clause (c) of sub-section (1) of section 264B of the Gujarat Municipalities Act, 1963 for any notified area; Guj. 34 of 1964
- (o) "prescribed" means prescribed by rules ;
- (p) "President" means the President of the Council ;
- (q) "Public library" means ;
  - (i) a library, within the public library system of the State.
  - (ii) a library recognised by the Director under section 20;

(iii) any other library which the State Government may, by notification in the *Official Gazette*, declare to be a public library for the purposes of this Act;

(r) "Public library system" means a set up of public libraries in the State with the State Central Library at the apex and village libraries at the bottom;

(s) "Public library association" means a public library association recognised under section 21 ;

(t) "Relevant local Authority law" means, —

(i) in relation to a municipal corporation, the Bombay Provincial Municipal Corporations Act, 1949 ;

(ii) in relation to a Municipality, the Gujarat Municipalities Act, 1963;

(iii) in relation to a district panchayat, the Gujarat Panchayats Act, 1993 ;

(iv) in relation to a cantonment, the Cantonment Act, 1924.

(u) "rules" or "regulations" means the rules or regulations made under this Act ;

(v) "State" means the State of Gujarat ;

(w) "taluka" means the revenue taluka ;

(x) "year" means the financial year.

## CHAPTER II

### STATE LIBRARY DEVELOPMENT COUNCIL

3. (1) As soon as may be after the commencement of this Act, the State Government shall, by notification in the *Official Gazette*, constitute for the purposes of this Act, a Council to be called the Gujarat State Library Development Council with effect from such date as may be specified in the notification.

Constitution of  
State Library  
Development  
Council.

(2) The Council shall consist of the following members, namely :-

(i) The Minister-in-charge of Libraries, Gujarat State, who shall be the *ex-officio* president of the council ;

(ii) The Secretary to the Government of Gujarat, in charge of Libraries;

(iii) Two members to be nominated by the Gujarat Legislative Assembly from amongst its members ;

(iv) Two members to be nominated by the State Government from amongst the Chairpersons of all the District Education Committees ;

(v) One member to be nominated by the State Government from amongst the Chairpersons of all Municipal School Boards;

(vi) One representative of public library associations to be nominated by the State Government;

(vii) Three representatives from public libraries run by voluntary agencies registered under the Societies Registration Act, 1860, or under the Bombay Public Trusts Act, 1950 or under

Bom. LIX of  
1949.

Guj. 34 of 1964.

Guj. 18 of  
1993.

2 of 1924.

XXI of 1860.

Bom XXIX of  
1950.

Gujarat Co-operative Societies Act, 1961, to be elected from amongst themselves in such manner as may be presented; - Guj. X of 1962.

(viii) Two persons from amongst renowned educationists having atleast ten years experience in the field of higher education to be nominated by the State Government ;

(ix) Two persons to be nominated by the State Government, each one from amongst persons having special knowledge and experience in library services and library and information science respectively ;

(x) Officer-in-charge of the State Central Library ;

(xi) The Chairperson of Gujarat Sahitya Academy ;

(xii) The Chairperson of Gujarati Sahitya Parishad ;

(xiii) One representative to be nominated by the State Government from amongst the registered public trusts mainly carrying out the activities of the publication of books ;

(xiv) One person to be co-opted by the Council.

(xv) The Director of Public Libraries, who shall be the Secretary of the Council.

(3) The State Government shall appoint one of the members to be the Vice- President of the Council.

(4) The powers, duties and functions of the President of the Council shall be such as may be prescribed.

Head quarters  
of the Council.

4. The Head quarters of the Council shall be at Gandhinagar or at such other place as the State Government may, by notification in the *Official Gazette*, specify.

Powers and  
functions of  
Council.

5. The powers and functions of the Council shall be as follows, namely :-

(i) to advise the State Government on a reference made to it or on its own motion, in regard to all matters connected with the administration of this Act and the rules ;

(ii) to approve the expenditure out of the State Library Development Fund in accordance with the rules;

(iii) to direct the measures to be taken for promotion of use of books and to cultivate the reading habits among the community ;

(iv) to consider the annual report on the working, administration and progress of public libraries prepared under section 24 and to make suggestions and recommendations thereon ;

(v) to review from time to time, based upon the reports and inspections made under sections 22 and 23 respectively, the working and administration of all public libraries and public library associations and to suggest such ways and means to remove difficulties in becoming more useful and effective instruments of public education and library service ;

(vi) to make recommendations to the State Government as regards the measures to be taken for the improvement of the administration of public libraries ;

(vii) to suggest the norms and standards of performance as criteria for eligibility for the purpose of grant-in-aid or other financial assistance to

public libraries and public library associations ;

(viii) to suggest the formula for fixing the quantum of grant-in-aid;

(ix) to advise the State Government with regard to the objects and purposes for financial assistance other than grant-in-aid and the terms and conditions to be fulfilled for such assistance ;

(x) to make suggestions and recommendations for annual development plan for libraries;

(xi) to organise and conduct library seminars, meetings and conferences;

(xii) to prepare consolidated programme in the sphere of library service in accordance with the guidelines issued by the State Government from time to time ;

(xiii) to suggest for organisation and promotion of efficient library service in the State;

(xiv) to suggest for raising finances and for promotion of library service ;

(xv) to prepare long term and short term plans for improving the library service in the State ;

(xvi) to exercise such powers, and to perform such functions, as are conferred on, or entrusted to it by or under this Act or the rules made thereunder.

6. (1) Every member of the Council shall hold office during the pleasure of the State Government

Term of office of members.

(2) When a member ceases to hold the post by virtue of which he was so nominated or elected, he shall cease to be a member of the Council.

7. Any vacancy arises in the office of a nominated or elected member of the Council on account of death, resignation or otherwise, the same shall be filled up, as soon as possible, by nomination or election, as the case may be.

Filling up of vacancy.

8. (1) The Council shall meet on such dates, at such time and places and shall observe such rules of procedure in regard to the transaction of business at its meeting (including the quorum of such meeting ) as may be provided by regulations :

Meetings of Council.

Provided that the Council shall meet atleast twice in a year but six months shall not intervene between two successive meetings.

(2) The President of the Council may, whenever he thinks fit call a meeting of the Council ; and shall, upon written request of not less than one-third of the total numbers of members of the Council, call a special meeting of the Council on a date not later than thirty days after the receipt of such request :

Provided that no special meeting shall be demanded within a period of two months from the date of last meeting of the Council.

(3) The President or in his absence, Vice-President or in absence of both, any member chosen by the members present from among themselves shall preside over a meeting of the Council .

**Constitution of Committees.**

9. The Council may constitute such committees consisting of such number of members for performing such functions, as may be provided by regulations.

**Payment of allowances to members of Council.**

10. For the performance of their duties under this Act, the members of the Council or its committee shall be paid such allowances, at such rates as may be prescribed.

### CHAPTER III

#### DIRECTOR OF PUBLIC LIBRARIES

**Director of Public Libraries.**

11. For the purposes of this Act, the existing Director of Libraries shall be the Director of Public Libraries.

**Functions of Director.**

12. (1) Subject to superintendence, direction and control of the State Government, the Director shall be responsible for the administration of this Act ,

(2) In particular and without prejudice to the generality of the provision contained in sub-section (1), the Director shall perform the following duties and functions, namely :-

- (a) supervise all matters relating to public libraries ;
- (b) promote the establishment and development of public libraries ;
- (c) be responsible for planning, maintenance, promotion and development of public libraries, organisation of public library system;
- (d) recognise any institution or service conducting the training courses in library service and library and information science, and organise programmes for training of the staff of public libraries and other persons ;
- (e) maintain a register of recognised libraries and publish names and addresses of such libraries ;
- (f) administer and maintain accounts of the State Library Development Fund and ensure its proper utilisation ;
- (g) arrange for collecting and preserving old and rare books, manuscripts and other documents of educative value in public libraries;
- (h) conduct inspection of and render advisory service to the public libraries and public library associations;
- (i) to implement recommendations of the Council as have been approved by the Government ;
- (j) administer the schemes and rules and regulations for grant-in-aid and other financial assistance to public libraries, public library associations and recognised training institutions and sanction and disburse such amount in accordance with the scheme, rules and guidelines made in this behalf, from time to time;

- (k) prepare and submit report as required under section 24 ;
- (l) exercise such other powers and perform such other functions and duties, as may be conferred or imposed on him by or under this Act and the rules.

## CHAPTER IV

### PUBLIC LIBRARY SYSTEM

13. Subject to such rules, the State Government may, by order, designate one or more library as State Central Library and establish District Library for a district and Taluka Library for a taluka.

Public Libraries.

14. (1) The State Government may establish and maintain a District library at the head-quarter of District and Taluka library at the head quarter of the taluka or at such other place in the taluka .

Establishment and management of the district and Taluka Libraries.

(2) Every such District Library and Taluka Library shall be managed, organised and developed by the Director.

15. (1) The Director shall constitute for each district library a District Library Advisory Committee consisting of the following members, namely :-

Constitution of District and Taluka Library Advisory Committees.

(i) the Collector of the district, who shall be the *ex-officio* Chairman of the committee;

(ii) one representative of the public library association of the district;

(iii) one expert in library services or library and information science;

(iv) one Principal of a college in the district;

(v) one Principal or Head-master of a high-school or higher secondary school in the district;

(vi) one Head-master of a primary school in the district;

(vii) one representative of the public libraries run by voluntary agencies in the district;

(viii) one lady librarian in the district;

(ix) the Assistant Director of Public Libraries in-charge of the district;

(x) The Librarian of the district library, who shall act as the secretary of the Committee;

(2) The Director shall constitute for each taluka library a Taluka Library Advisory Committee consisting of the following members, namely:-

(i) the Mamlatdar of the Taluka concerned, who shall be the *ex-officio* Chairman of the committee;

(ii) one representative of the public library association of the district;

(iii) one expert in library services or library and information science;

(iv) one Principal of a college in the taluka, if any ;

(v) one Head master of high school in the taluka ;

(vi) one Head master of a primary school in the taluka ;

(vii) one lady librarian in the taluka, if any ;

(viii) one representative of the public libraries run by voluntary agencies in the taluka;

(ix) the librarian of the taluka library, who shall act as the secretary of the committee.

Functions of  
Advisory  
Committees.

16. The functions of the District Library Advisory Committees and the Taluka Library Advisory Committees shall be such as may prescribed.

## CHAPTER V

### FINANCE FOR PUBLIC LIBRARIES

Budget for  
public libraries.

17. (1) The Director shall prepare, every year, the annual budget proposal for the Directorate of Public Libraries for plan and non-plan expenditure and submit it to the State Government.

(2) The Director shall utilise the grant so sanctioned to defray the expenditure for the following purposes, namely :-

(a) to carry out the purposes of this Act and rules;

(b) to establish new public libraries in the State;

(c) maintenance and development of the public libraries in the State;

(d) payment of grant-in-aid and other financial assistance to the public libraries, public library associations and recognised institutions conducting training courses in library services and library and information science;

(e) such other purposes as may be prescribed.

State Library  
Development  
Fund.

18. (1) There shall be a fund to be called the State Library Development Fund for modernisation and development of public libraries in the State.

(2) The State Library Development Fund shall consist of —

(a) grant received from the State Government other than grant specified in sub-section (2) of section 17 ;

(b) any contributions or special grants from the Central Government for modernisation and development of public libraries;

(c) all money received by way of contributions or gifts made by the public or any other agency for modernisation and development of public libraries.

(3) The money in the State Library Development Fund shall be utilised by the Director in consultation with the Council to defray the expenditure for the following purposes, namely :-

(a) modernisation and development of public libraries in the State;

(b) payment of allowances to the members of the Council under section 10 ;

(c) such other purposes as may be prescribed .

19. All property movable and immovable held or acquired for the purpose of any public library established and maintained by the State shall vest in the State Government.

Vesting of property held for purpose of public libraries.

## CHAPTER VI

### RECOGNITION OF PUBLIC LIBRARIES AND PUBLIC LIBRARY ASSOCIATIONS.

XXI of 1860.  
Bom. XXIX  
of 1950.  
Guj. X 1962.

20. The Director may, in accordance with the rules and subject to any general or special orders of the State Government made in this behalf, recognise any library run by the voluntary agencies registered under the Societies Registration Act, 1860 or under the Bombay Public Trusts Act, 1950 or under the Gujarat Co-operative Societies Act, 1961 or any library run by local authority, open for use to the public, as a public library for the purpose of payment of grant-in-aid or other financial assistance to it.

Recognition of public libraries.

XXI of 1860.  
Bom. XXIX  
of 1950.  
Guj. X 1962.

21. With a view to providing an incentive to library activities in the State, the Director may, in accordance with the rules, recognise any public library association in the State, registered either under the Societies Registration Act, 1860 or the Bombay Public Trusts Act, 1950 or the Gujarat Co-operative Societies Act, 1961, for the purpose of payment of grant-in-aid or other financial assistance to it.

Recognition of public library association.

## CHAPTER VII

### REPORTS AND INSPECTION

22. Every person who is in charge of the management of a public library and every person who is in charge of public libraries association shall submit such reports and returns and furnish such information as the Director may, from time to time require, to the Director or any person authorised by him in this behalf.

Reports and returns.

23. The Director or an officer authorised by him in this behalf shall have powers to inspect public libraries and public libraries associations or any institution attached thereto or any institution conducting the training courses in library service and library and information science receiving financial assistance, for the purpose of satisfying himself that the provision of this Act and the rules made thereunder are carried out.

Inspection of Public Libraries and Public Library Associations.

24. Within six months from the end of every year, the Director shall prepare an annual report, on the working and administration of and the progress made by public libraries and public libraries associations in that year together with such information and particulars as may be prescribed and submit the same to the State Government.

Submission of Annual report.

## CHAPTER VIII

## MISCELLANEOUS

Member of  
Council to be  
public servant.

25. All the members of the Council while acting or purporting to act in pursuance of the provisions of this Act or any rules and regulations made thereunder, be deemed to be public servants within the meaning of section 21 of the Indian Penal Code. XLV of 1860.

Protection of  
action taken in  
good faith.

26. No suit, prosecution or other legal proceeding shall lie against the Council or any member and officer or servant for anything which is in good faith done or intended to be done in pursuance of the provisions of this Act or any rules and regulations made thereunder.

Acts and  
proceedings of  
Council  
presumed to be  
valid.

27. No act or proceeding of the Council or of any of its committees shall be invalid merely by reason of -

- (a) any vacancy therein or any defect in constitution thereof, or
- (b) any irregularity in its procedure not affecting the merits of the case.

Power to make  
rules.

28. (1) The State Government may, by notification in the *Official Gazette*, make rules for carrying out the purposes of the Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may be made to provide for all or any of the following matters, namely :-

- (a) manner for electing representatives from public libraries under clause (vii) of sub-section (2) of section 3;
- (b) the powers, duties and function to be performed by the President under sub-section (4) of section 3;
- (c) the expenditure out of the State Library Development Fund to be approved under clause (ii) of section 5;
- (d) such other powers and functions which may be exercised and performed by the Council under clause (xvi) of section 5;
- (e) the allowances payable to members of the Council and its committee and the rates at which they shall be payable under section 10;
- (f) other powers, functions and duties to be exercised and performed by the Director under clause (l) of sub-section (2) of section 12;
- (g) subject to which the State Government may designate Library as State Central Library under section 13;
- (h) the functions to be performed by the District Library Advisory Committee and the Taluka Library Advisory Committee under section 16;
- (i) other purposes for which the sanctioned grant may be utilised under clause (e) of sub-section (2) of section 17;
- (j) other purposes for which State Library Development Fund may be utilised under clause (c) of sub-section (3) of section 18;
- (k) rules for recognising public libraries under section 20;

(l) rules for recognising public library associations under section 21;

(m) the information and particulars to be included in the annual report under section 24;

(n) any other matter which is to be or may be prescribed under this Act.

(3) All rules made under this section shall be laid for not less than thirty days before the State Legislature as soon as possible after they are made and shall be subject to rescission by the State Legislature or to such modifications as the State Legislature may make during the session in which they are so laid or the session immediately following.

(4) Any rescission or modification so made by the State Legislature shall be published in the *Official Gazette*, and shall thereupon take effect.

29. (1) The Council may make regulations not inconsistent with the provisions of this Act and the rules made thereunder enabling it to discharge its function under this Act.

Power to make regulations.

(2) In particular and without prejudice to the foregoing powers, such regulations may provide for all or any of the following matters namely:-

(a) the time, date and place at which the Council shall meet and the rules of procedure the Council shall observe in regard to transaction of its business at its meeting under sub-section (1) of section 8;

(b) other committees which council may constitute, the number of members which the committee may consist of and functions which may be performed by such committee under section 9.



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# The Gujarat Government Gazette EXTRAORDINARY

PUBLISHED BY AUTHORITY

VOL XLIII]

WEDNESDAY, SEPTEMBER 5, 2001 /BHADRA 14, 1923

Separate paging is given to this Part in order that it  
may be filed as a Separate Compilation.

## PART- IV

Acts of the Gujarat Legislature and Ordinances promulgated  
and Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented  
to by the President on the 4th September, 2001 is hereby published for  
general information.

**V. M. KOTHARE,**

Secretary to the Government of Gujarat,  
Legislative and Parliamentary Affairs Department.

### GUJARAT ACT NO.26 OF 2001.

(First published, after having received the assent of the President in the  
"Gujarat Government Gazette", on the 5th September, 2001).

### AN ACT

further to amend the Bombay Rents, Hotel and Lodging House Rates Control Act, 1947.

It is hereby enacted in the Fifty-second Year of the Republic  
of India as follows:—

1. (1) This Act may be called the Bombay Rents, Hotel  
and Lodging House Rates Control (Gujarat Amendment) Act,  
2001.

Short title  
and  
commence-  
ment.

(2) It shall be deemed to have come into force on the  
30<sup>th</sup> March, 2001.

Amendment  
of section 3  
of Bom.  
LVII of  
1947.

2. In the Bombay Rents, Hotel and Lodging House Rates Control Act, 1947 (hereinafter referred to as "the principal Act"), in section 3, in sub-section (2), for the words, figures and letters "the 31st day of March, 2001", the words, figures and letters "the 31st day of March, 2011" shall be substituted.

Bom. LVII  
of 1947.

Insertion of  
new section  
11B in  
Bom. LVII  
of 1947.

3. In the principal Act, after section 11A, the following new section shall be inserted, namely:—

Right of  
tenants in  
new  
building  
when  
premises  
damaged or  
destroyed  
due to  
natural  
calamity.

"11B. Notwithstanding anything contained in this Act, where by reason of earthquake or any other natural calamity, any material part of the premises is wholly destroyed or rendered substantially and permanently unfit for the purpose for which it was let,—

(a) the landlord shall erect new building at the original site, subject to the provisions of any rules, bye-laws or regulations, made by a local authority, not later than twelve months from the date on which material part of premises of the building is wholly destroyed or rendered substantially and permanently unfit:

Provided that the State Government may for sufficient reasons extend the said period of twelve months to such further period not exceeding twelve months as it thinks fit.

(b) the tenant shall have the right to occupy a tenement in the new building erected at the original site by the landlord, and

the provisions of sections 17B and 17C shall, so far as may be, apply."

Amendment  
of section  
12 of  
Bom. LVII  
of 1947.

4. In the principal Act, in section 12, after sub-section (1A), the following sub-section shall be inserted, namely:—

"(1B) Notwithstanding anything contained in this Act, where by reason of earthquake or any other natural calamity, any material part of premises is wholly destroyed or rendered substantially and permanently unfit for the purpose for which it was let, the landlord shall not be entitled to—

(a) standard rent and permitted increases due for the premises,

(b) recover possession of such premises merely on the ground of non payment of standard rent and permitted increases due, during the period in which such premises remained so destroyed or unfit."

5. In the principal Act, in section 17D,—

Amendment  
of section  
17D of  
Bom.LVII  
of 1947.

(1) sub-section (1) shall be renumbered as clause (a) of that sub-section and in clause (a) as so renumbered,—

(i) after the words, figure and letter " of section 11A", the words, brackets, figure and letters " or as the case may be, in clause (a) of section 11B" shall be inserted;

(ii) for the words "exist or not", the words, figure and letter "or section 11B exist or not" shall be substituted;

(2) after clause (a) as so renumbered, the following clause shall be inserted, namely :—

" (b) The terms and conditions for providing accommodation to tenants after erection of new building shall be such as may be prescribed. "

6. In the principal Act, in section 49, in sub-section (2), after clause (aai), the following clause shall be inserted, namely:—

Amendment  
of section 49  
of Bom.LVII  
of 1947.

" (aaai) the terms and conditions for providing accommodation to tenants under clause (b) of sub-section (1) of section 17D."

Guj. Ord. 1  
of 2001.

7. (1) The Bombay Rents, Hotel and Lodging House Rates Control (Gujarat Amendment) Ordinance, 2001 is hereby repealed.

Repeal and  
savings.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act as amended by this Act.



# The Gujarat Government Gazette EXTRAORDINARY

PUBLISHED BY AUTHORITY

VOL XLII]

TUESDAY, OCTOBER 30, 2001 /KARTIKA 8, 1923

Separate paging is given to this Part in order that it  
may be filed as a Separate Compilation.

## PART - IV

### Acts of the Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor.

The following Act, of the Gujarat Legislature, having been assented to by the President on the 16th October, 2001 is hereby published for general information.

**V. M. KOTHARE,**

Secretary to the Government of Gujarat,  
Legislative and Parliamentary Affairs Department.

### Gujarat Act No.27 of 2001.

(First published, after having received the assent of the President in the "Gujarat Government Gazette", on the 30th October, 2001).

### AN ACT

*further to amend the Bombay Rents, Hotel and Lodging  
House Rates Control Act, 1947.*

It is hereby enacted in the Fifty-second Year of the Republic of India as follows :—

1. This Act may be called the Bombay Rents, Hotel and Lodging House Rates Control (Gujarat Second Amendment) Act, 2001.

Short title.

Bom. LVII  
of 1947.

2. In the Bombay Rents, Hotel and Lodging House Rates Control Act, 1947, in section 4, after sub-section (1), the following sub-section shall be inserted, namely:—

Amend-  
ment of  
section 4 of  
Bom. LVII  
of 1947.

"(1A) This Act shall not apply to —

(a) any premises constructed on or after the commencement of the Bombay Rents, Hotel and Lodging House Rates Control (Gujarat Second Amendment) Act, 2001 (hereinafter referred to as "the amending Act");

Guj. 27  
of  
2001.

(b) any existing premises which is self-occupied by the owner or vacant on or after the commencement of the amending Act, and is let after such commencement;

for a period of ten years from the date of the commencement of the amending Act.

*Explanation.*—For the purposes of this section, "existing premises" means any premises which exists on the date of the commencement of the amending Act.



*[Handwritten signature]*

# The Gujarat Government Gazette EXTRAORDINARY

PUBLISHED BY AUTHORITY

VOL. XLII] SUNDAY, NOVEMBER 25, 2001/AGRAHAYANA 4, 1923

Separate paging is given to this Part in order that it  
may be filed as a Separate Compilation.

## PART - IV

Acts of the Gujarat Legislature and Ordinances promulgated  
and Regulations made by the Governor.

URBAN DEVELOPMENT AND URBAN HOUSING DEPARTMENT  
Sachivalaya, Gandhinagar, Dated the 25<sup>th</sup> November, 2001.

GUJARAT ORDINANCE NO. 8 OF 2001.

### AN ORDINANCE

*further to amend the Gujarat Regularisation of Unauthorised  
Development Act, 2001.*

**WHEREAS** the Legislative Assembly of the State of Gujarat is  
not in session ;

**AND WHEREAS** the Governor of Gujarat is satisfied that the  
circumstances exist which render it necessary for him to take  
immediate action to amend the Gujarat Regularisation of Unauthorised  
Development Act, 2001;

**NOW, THEREFORE**, in exercise of the powers conferred on him  
by clause (1) of article 213 of the Constitution of India, the Governor of  
Gujarat is hereby pleased to make and promulgate the following  
Ordinance, namely:—

Guj.23 of  
2001.

1. **Short title and commencement.**— (1) This Ordinance may be called the Gujarat Regularisation of Unauthorised Development (Amendment) (Second) Ordinance, 2001.

(2) It shall come into force at once.

2. **Guj. 23 of 2001 to be temporarily amended.**— During the period of operation of this Ordinance, the Gujarat Regularisation of Unauthorised Development Act, 2001 (hereinafter referred to as "the principal Act") shall have effect subject to the amendments specified in sections 3 to 5.

Guj. 23 of  
2001.

3. **Amendment of section 3 of Guj.23 of 2001.**— In the principal Act, in section 3, in sub-section (2), after clause (a), the following shall be inserted, namely:—

"(aa) Where an unauthorised development in urban development area or development area has been carried out at any time before the 22<sup>nd</sup> November, 2000 and the development has been wholly destroyed by the earthquake or rendered substantially and permanently unfit for the purpose of occupation due to the earthquake in the month of January, 2001 and the owner or occupier of such development intends to carry out development at the same place and with the same built up area as existed prior to such destruction, the designated authority may, notwithstanding anything contained in the relevant law but having regard to the provisions of section 4, by an order allow him to carry out such unauthorised development subject to such terms and conditions as may be prescribed and may regularise the same in accordance with the provisions of this Act, as if such unauthorised development had been carried out before the 22<sup>nd</sup> November, 2000:

Provided that the designated authority, while regularising such unauthorised development shall not charge any fee prescribed in the Table."

4. **Amendment of section 5 of Guj. 23 of 2001.**—In the principal Act, in section 5, --

(1) for sub-section (1), following shall be substituted, namely :--

“(1) (i) Any person aggrieved by the notice served upon him or notice published under sub-section (2) of section 3 may, within sixty days from the date of the receipt or, as the case may be, the publication of the notice, or

(ii) the owner or occupier aggrieved by an order made under clause (aa) of sub-section (2) of section 3, may, within sixty days from the date of the order,

prefer an appeal to an Appellate Officer, who shall be a person who has held the office of District Judge for a period not less than three years and appointed in this behalf by the State Government for each City or development area:

Provided that the Appellate Officer may entertain the appeal after the expiry of the said period of sixty days if he is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.”;

(2) in sub-section (2), after the words “the notice”, the words, letters, brackets and figures “or, as the case may be, the order made under clause (aa) of sub-section (2) of section 3” shall be inserted.

5. **Amendment of section 9 of Guj. 23 of 2001.**— In the principal Act, in section 9, in sub-section (2), after clause (c), the following clause shall be inserted, namely :—

“(cc) the terms and conditions subject to which unauthorised development may be allowed to carry out and regularised under clause (aa) of sub-section (2) of section 3.”.

**STATEMENT**

It has been represented to the State Government by the persons who have lost their houses and have become homeless due to the severe earthquake of 26<sup>th</sup> January, 2001 that they may be allowed to construct the houses at the original site with the same built up area as existed prior to such destruction so as to accommodate all the owners or the occupiers with the same built up area in the reconstructed houses. It has also been represented that their cases would have been governed under the provisions of the Gujarat Regularisation of Unauthorised Development Act, 2001 had their houses not collapsed due to earthquake. They have demanded not to charge any fees for such regularisation.

In order to provide accommodation to the bonafide owner or occupier of houses who are victims of earthquake, it is considered necessary to make provision in the said Act that the unauthorised construction which have been destroyed due to earthquake may be allowed to be carried out and may be regularised by an order of designated authority in accordance with the provisions of the said Act. It has also been provided that no fees shall be charged for regularisation of such unauthorised construction. A provision has also been made entitling the owner or occupier to file an appeal against the order of the designated authority.

As the Gujarat Legislative Assembly is not in session, this Ordinance is promulgated to amend the said Act to achieve the aforesaid object.

Gandhinagar,  
Dated the 25<sup>th</sup> November, 2001.

**SUNDAR SINGH BHANDARI,**  
Governor of Gujarat.

By order and in the name of the Governor of Gujarat,

**SMT. SUDHA ANCHALIA,**  
Principal Secretary to Government.



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# The Gujarat Government Gazette EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. XLIII

WEDNESDAY, DECEMBER 12, 2001/ AGRAHAYANA 21, 1923

Separate paging is given to this Part in order that it  
may be filed as a Separate Compilation.

## PART - IV

Acts of the Gujarat Legislature and Ordinances promulgated  
and Regulations made by the Governor.

URBAN DEVELOPMENT AND URBAN HOUSING DEPARTMENT  
Achivalaya, Gandhinagar, Dated the 12th December, 2001.

GUJARAT ORDINANCE NO. 9 OF 2001.

### AN ORDINANCE

*further to amend the Gujarat Town Planning and Urban Development Act,  
1976.*

WHEREAS the Legislative Assembly of the State of Gujarat is not in  
session;

AND WHEREAS the Governor of Gujarat is satisfied that circumstances  
exist which render it necessary for him to take immediate action to amend the  
Gujarat Town Planning and Urban Development Act, 1976;

President's  
Act 27 of  
1976.

NOW, THEREFORE, in exercise of the powers conferred on him by clause  
(1) of article 213 of the Constitution of India, the Governor of Gujarat is hereby  
pleased to make and promulgate the following Ordinance, namely:-

1. **Short title and commencement.-** (1) This Ordinance may be called the Gujarat Town Planning and Urban Development (Amendment) (Second) Ordinance, 2001.

(2) It shall come into force at once.

2. **President's Act 27 of 1976 to be temporarily amended.-** During the period of operation of this Ordinance, the Gujarat Town Planning and Urban Development Act, 1976 (hereinafter referred to as "the principal Act") shall have effect subject to the amendments specified in sections 3 to 6.

3. **Amendment of section 17 of President's Act 27 of 1976.-** In the principal Act, in section 17, in sub-section (1), the proviso to clause (e) shall be deleted.

4. **Amendment of section 47 of President's Act 27 of 1976.-** In the principal Act, to section 47, the following proviso shall be added, namely:-

"Provided that the appropriate authority may, in such circumstances as may be prescribed and with the previous sanction of the State Government, reduce the aforesaid period of one month to fifteen days for inviting objections to the draft scheme."

5. **Amendment of section 65 of President's Act 27 of 1976.-** In the principal Act, in section 65, in sub-section(2), in clause (b), the brackets and words "(which shall not be earlier than one month after the date of publication of the notification)" shall be deleted.

6. **Amendment of section 118 of President's Act 27 of 1976.-** In the principal Act, in section 118,-

- (1) to sub-section (1), the following proviso shall be added, namely:-

"Provided that if the State Government is satisfied that the circumstances exist which render it necessary to take immediate action, it may dispense with the previous publication of any rule to be made under this section.";

- (2) in sub-section (2), after clause (xxi), the following clause shall be inserted, namely:-

"(xxi-a) the circumstances in which the period for inviting objections to the draft scheme may be reduced to fifteen days under section 47;"

**STATEMENT**

The existing provisions of sections 17, 47 and 65 of the Gujarat Town Planning and Urban Development Act, 1976 prescribe time limits for town planning schemes.

In the State of Gujarat, there had been a devastating earthquake in the month of January, 2001 which had highly destructive effect on the buildings in the State and particularly in four towns of Kachchha district viz. Bhuj, Anjar, Bhachau and Rapar. A large part of the old city areas which had been destroyed are to be re-built and reconstructed immediately. For the safety of people, rescue operation and minimum dislocation, it is necessary to prepare a new town planning scheme in these areas. In order to complete the reconstruction work on priority basis, to provide houses to the people and to finalise the town planning scheme in short period, it is considered necessary to reduce the time limits prescribed in the Act.

The proviso to clause (e) of sub-section (1) of section 17 provides that the final development plan sanctioned by the State Government shall not be effective for the period of one month from the date of publication of the notification. The amendment to section 17 empowers the State Government to bring into force immediately the final development plan so sanctioned by it. Similarly, because of the time limit prescribed in clause (b) of sub-section (2) of section 65, the preliminary town planning scheme or the final town planning scheme sanctioned by the State Government does not become effective for a period of one month from the date of publication of the notification. The amendment to section 65 empowers the State Government to bring into force immediately the preliminary town planning scheme, as the case may be, or the final town planning scheme so sanctioned by it.

In order to submit the draft scheme by the appropriate authority to the State Government early, it is considered necessary to empower the appropriate authority to reduce the period of one month to fifteen days for inviting objections to the proposed draft scheme. The appropriate authority can exercise such powers only in such circumstances as may be prescribed and with the previous sanction of the Government. The proviso added to section 47 provides accordingly.

With a view to enforcing the rules immediately, the power has been taken to dispense with the previous publication of the rules. The proviso added to section 118 provides accordingly.

As the Gujarat Legislative Assembly is not in session, this Ordinance is promulgated to amend the said Act to achieve the aforesaid objects.

Gandhinagar.  
Dated the 11th December, 2001.

**SUNDER SINGH BHANDARI,**  
Governor of Gujarat.

By Order and in the name of the Governor of Gujarat,

**SMT. SUDHA ANCHALIA,**  
Principal Secretary to Government

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Government Central Press, Gandhinagar.



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# The Gujarat Government Gazette

## EXTRAORDINARY

PUBLISHED BY AUTHORITY

VOL XLIII

SATURDAY DECEMBER 29, 2001/ PAUSA 8, 1923

Separate paging is given to this Part in order that it  
may be filed as a Separate Compilation.

### PART - IV

Acts of the Gujarat Legislature and Ordinances promulgated  
and Regulations made by the Governor.

**SOCIAL JUSTICE AND EMPOWERMENT DEPARTMENT**  
Sachivalaya, Gandhinagar, Dated the 29<sup>th</sup> December, 2001.

**GUJARAT ORDINANCE NO. 10 OF 2001.**

### AN ORDINANCE

*to provide for the constitution of a State level Commission for women and  
for the matters connected therewith or incidental thereto.*

**WHEREAS** it is expedient to give effect to the policy of the State towards securing principles enshrined in articles 38, 39, 39A and 42 of the Constitution of India to eliminate inequality in the status of women and to maintain the dignity of women in every sphere of society;

**AND WHEREAS** it is expedient to provide for the constitution of a Commission for women with a view to extend the rights due to them in furtherance of the fundamental rights guaranteed under articles 14, 15 and 16 with respect to women and to empower the Commission to investigate into and to take or to suggest suitable remedial measures against practices derogatory to women and to monitor and implement efficiently the laws affecting women and to advise the Government on all matters related to improvement and upliftment of status and dignity of women in the society;

**AND WHEREAS** it is considered necessary to make a law immediately for the same;

**AND WHEREAS** the Legislative Assembly of the State of Gujarat is not in session;

**AND WHEREAS** the Governor of Gujarat is satisfied that circumstances exist which render it necessary for him to take immediate action to provide for the constitution of a State level Commission for women and for the matters connected therewith and incidental thereto;

**NOW, THEREFORE**, in exercise of the powers conferred on him by clause (1) of article 213 of the Constitution of India, the Governor of Gujarat is hereby pleased to make and promulgate the following Ordinance, namely:—

**1. Short title, extent and commencement.**—(1) This Ordinance may be called the Gujarat State Commission for Women Ordinance, 2001.

(2) It extends to the whole of the State of Gujarat.

(3) It shall come into force at once.

**2. Definitions.**—In this Ordinance, unless the context otherwise requires,—

(a) "Commission" means the Gujarat State Commission for Women constituted under section 3;

(b) "member" means a member of the Commission and includes the Chairperson and the member-secretary;

(c) "prescribed" means prescribed by rules;

(d) "women" includes female-child and adolescent girl.

**3. Constitution of Commission.**— (1) The State Government shall, by notification in the *Official Gazette*, constitute a body to be known as "the Gujarat State Commission for Women".

(2) The Commission shall consist of,—

(a) a Chairperson, who shall be an eminent woman committed to the causes of women, to be nominated by the State Government;

- (b) five members to be nominated by the State Government from amongst persons of ability, integrity and standing, who have served the cause of women and who have had sufficient knowledge and experience in law or legislation, sociology, advancement of women nutrition, trade unionism, management of an industry or organisation committed to increase the employment potential of women, women's voluntary organisations (including women activists), administration, economic development, health, education or social welfare:

Provided that one member shall be from amongst persons belonging to the Scheduled Castes or Scheduled Tribes:

Provided further that one member shall be from amongst the advocates;

- (c) following *ex-officio* members —
- (i) Director General of Police, Gujarat State;
  - (ii) Secretary to Government, Social Justice and Empowerment Department,
  - (iii) Secretary to Government, Finance Department,
  - (iv) Secretary to Government, Legislative and Parliamentary Affairs Department,
  - (v) Secretary to Government, Legal Department,
  - (vi) Secretary to Government (Family Welfare), Health and Family Welfare Department,
- (d) one Member-secretary to be nominated by the State Government from amongst the officers of the State Government, who is not below the rank of Joint Secretary to Government.

**4. Terms of office and conditions of service of Chairperson and members.**—(1) The Chairperson and the members other than those nominated by virtue of their office shall hold office for a period of three years.

(2) The salaries and allowances payable to, and the other terms and conditions of service of the Chairperson and the members, shall be such as may be prescribed.

**5. Resignation of Chairperson and member.**—The Chairperson or a member may at any time resign his office by writing under his hand addressed to the State Government and on such resignation being accepted, he shall be deemed to have vacated his office.

**6. Removal of Chairperson and member.**—Notwithstanding anything contained in sub-section (1) of section 4, the State Government may remove the Chairperson, or as the case may be, a member from his office, if he,—

- (a) is or has become subject to any disqualification mentioned in section 7;
- (b) remains absent, without leave of the Commission for more than three consecutive meetings of the Commission;
- (c) refuses to act or becomes incapable of acting;
- (d) in the opinion of the State Government, has so abused the position of the Chairperson or, as the case may be, member, as to render his continuance in office detrimental to the public interest, or is otherwise unfit or unsuitable to continue as such Chairperson or, as the case may be, member:

Provided that the Chairperson or, as the case may be, any member shall not be removed under this clause until he has been given a reasonable opportunity of being heard.

**7. Disqualification for being a Chairperson or a member.**—A person shall be disqualified for being nominated as or for being a Chairperson or a non-official member, if he,—

- (a) is or becomes an undischarged insolvent;
- (b) is convicted and sentenced to imprisonment for an offence which, in the opinion of the State Government, involves moral turpitude;
- (c) becomes of unsound mind and stands so declared by a competent court.

**8. Filling up of Vacancies.** — A vacancy arising by reason of death, resignation or removal of the Chairperson or any member under section 6 or otherwise shall be filled up in accordance with provisions contained in section 3.

**9. Officers and other employees of the Commission.**—(1) The State Government shall provide the Commission with such officers and

employees as may be necessary for the efficient performance of the functions of the Commission under this Ordinance.

(2) The salaries and allowances payable to, and the other terms and conditions of service of the officers and other employees, shall be such as may be prescribed.

**10. Salaries and allowances to be paid out of grants.**—The salaries and allowances payable to the Chairperson and members and the administrative expenses, including salaries and allowances payable to the officers and other employees, shall be paid out of the grants made to the Commission under section 18.

**11. Defect in appointment of Chairperson or member not to invalidate acts or proceedings.**—(1) No act or proceeding of the Commission shall be questioned or invalid on the ground merely of the existence of any vacancy in, or any defect in the constitution of the Commission.

(2) No act done by any person acting in good faith as Chairperson or member shall be deemed to be invalid merely on the ground that he was disqualified to be a Chairperson or a member or that there was any other defect in his nomination.

**12. Constitution of ad hoc committee.**—(1) The Commission may, for the purpose of transacting any business before it or for any special issue, constitute an *ad hoc* committee consisting of—

- (a) not more than two members of the Commission; and
- (b) not more than two experts on the particular subject before the Commission;

(2) If the Chairperson is a member of the committee, the Chairperson or in her absence any other member shall preside over the meeting of the Committee.

(3) The final report of the *ad hoc* committee shall be placed before the Commission for its approval and on the approval thereof by the Commission, it shall be deemed to be the report of the Commission.

(4) The person so associated shall be entitled to receive such allowances for attending the meeting of the Committee at such rate as may be prescribed.

**13. Procedure to be regulated by Commission.**—(1) The Commission or *ad hoc* committee thereof shall meet at such time and such place as the Chairperson may think fit:

Provided that the Commission shall meet at least every quarter.

(2) The Commission shall determine procedure in regard to the transaction of its business at its meeting and meetings of the *ad hoc* committee appointed under section 12.

(3) Any order or decision of the Commission shall be authenticated by the member-secretary or any other officer of the Commission authorised in this behalf by the Chairperson.

**14. Functions of Commission.**—The Commission shall have the following functions, namely:—

- (a) to examine all matters relating to the safeguards provided for women under the Constitution of India and other laws;
- (b) to present to the State Government annually and at such other times as the Commission may think fit, reports upon the working of such safeguards;
- (c) to make in such reports recommendations for the effective implementation of such safeguards for improving the conditions of women by the State;
- (d) to review from time to time, the existing provisions of laws relating to women and recommend amendments therein for the purpose of providing remedial legislative measures to meet with inadequate provisions of such laws;
- (e) to take up the cases of violation of the provisions of the Constitution of India and of other laws relating to women with the appropriate authorities;
- (f) to look into complaints and take suo moto notice of matters relating,—
  - (i) deprivation of women's rights;
  - (ii) non-implementation of laws enacted to provide protection to women and to achieve the objects of equality and development;
  - (iii) non-compliance of policy decisions, guidelines or instructions aimed at mitigating hardships and ensuring welfare and providing relief to women, and to take up the issues arising out of such matters with appropriate authorities;
- (g) to call for special studies or investigations into specific problems or situations arising out of discrimination and atrocities against women and to identify the constraints so as to recommend strategies for their removal;
- (h) to undertake promotional and educational research for the purposes of,—

- (i) suggesting ways of ensuring due representation of women in all spheres;
- (ii) identifying factors responsible for impeding their advancement, such as, lack of access to housing and basic services, inadequate support services and technology for reducing drudgery and occupational health hazards and for increasing their productivity;
- (i) to participate and advise on the planning of socio-economic development of women;
- (j) to evaluate the progress of the development of women under the State;
- (k) to inspect or cause to be inspected a jail, remand home, women's institution or other place of custody where women are kept as prisoners or otherwise, and to take up with the concerned authorities for remedial action, if necessary;
- (l) to provide fund for litigation involving issues affecting a large body of women;
- (m) to endeavour to promote through the media a more positive image or balanced depiction of women in society and continuously to interact, and try to educate the public opinion through media to enhance sensitivity to gender issues and bring about gender parity;
- (n) to any other matter which may be referred to it by the State Government.

**15. Powers of Commission.**—The Commission shall, for the purposes of any inquiry under this Ordinance, have the same powers as are vested in a civil court while trying a suit under the Code of Civil Procedure, 1908 in respect of the following matters, namely :—

V of 1908.

- (a) summoning and enforcing the attendance of any witness and examining him;
- (b) requiring the discovery and production of any document;
- (c) receiving evidence on affidavits;
- (d) requisitioning any public records or copy thereof from any public office;
- (e) issuing commissions for examination of witnesses:

Provided that the Commission shall not exercise aforesaid powers in respect of the matter which might be in conflict with said matter pending before the court of law.

**16. Consultation with Commission.**—The State Government may consult the Commission in respect of major policy matters affecting women.

**17. Protection of action taken in good faith.**—No suit, prosecution or other legal proceedings shall be instituted against the Chairperson or any member or any officer or other employee of the Commission or any person acting under the direction either of the State Government or of the Commission for anything which is in good faith done, or intended to be done under this Ordinance or the rules or orders made thereunder.

**18. Grants by State Government.**—(1) The State Government shall pay such amount to the Commission by way of grants, as it may think fit for the purposes of this Ordinance.

(2) The Commission may, with the previous sanction of the State Government and subject to such terms and conditions as may be specified in this behalf by the Government accept funds from any national or international organization working in the field of women and child development, for achieving the objects of this Ordinance.

(3) The Commission may spend such sums as it thinks fit for the performance of the functions under this Ordinance out of the grants made to it and such sum shall be treated as the expenditure out of the grants.

**19. Preparation and submission of Programme of Work and Annual Statement of Accounts.**—(1) The Commission shall before such date as may be specified by the State Government, in each year, prepare and forward to the State Government, —

- (i) a programme of work for the next year;
- (ii) an Annual Statement of Accounts for the next year.

(2) The programme of its work shall contain,—

- (i) activities to be taken during the succeeding year;
- (ii) such other particulars as may be prescribed;

(3) The Annual Statement of Accounts shall contain a statement showing the receipt and expenditure on capital and revenue accounts for the next year.

(4) The State Government may sanction the programme and the Annual Statement of Accounts forwarded to it with such modification as it thinks fit.

(5) The Annual Statement of Accounts shall be prepared in such form as may be prescribed in consultation with the Accountant General of the State of Gujarat.

**20. *Accounts and Audit.*** — (1) The Commission shall maintain proper accounts and other relevant record in such manner as may be prescribed.

(2) The accounts of the Commission shall be audited by the Accountant General of the State at such intervals as may be specified by him and any expenditure incurred in connection with such audit shall be payable by the Commission to the Accountant-General.

(3) The Accountant General and any person appointed by him for the purpose of the audit of the accounts of the Commission under this Ordinance shall have the same right and the privileges and the authority for such audit as the Accountant-General generally has for such audit of the Government accounts and in particular, shall have the right to demand production of books, accounts connected vouchers and other documents and papers and to inspect any of the offices of the Commission.

(4) The accounts of the Commission, as certified by the Accountant-General or any other person duly appointed by him in this behalf, together with the audit report thereon, shall be forwarded annually to the State Government.

**21. *Concurrent and Special Audit of Accounts.***—(1) Notwithstanding anything contained in section 20, the State Government may order that there shall be a concurrent audit of the accounts of the Commission by such person, as it thinks fit. The State Government may also direct a special audit to be made by such person, as it thinks fit, of the accounts of the Commission relating to any particular transaction or a class of series of transactions or to a particular period.

(2) When an order is made under sub-section (1) the Commission shall present or cause to be presented for audit such accounts and shall furnish to the person appointed under sub-section (1) such information as the said person may require for the purpose of audit.

**22. *Annual Report.***—The Commission shall prepare, its annual report for each financial year giving a full account of its activities during the previous financial year in such form and at such time as may be prescribed and forward a copy thereof to the State Government.

**23. *Annual report and audit report to be laid before the State Legislature.***—The State Government shall cause,—

(1) The annual report together with a memorandum of action taken on the recommendations contained therein, in so far as they relate to the State Government and the reasons for non-acceptance, if any, of such recommendation, and

W-EX 37-3

(2) The audit report

to be laid as soon as may be, after the reports are received, before the State Legislature.

**24. Chairperson, members and staff of the Commission to be public servants.**— The Chairperson, members, officers and other employees of the Commission shall be deemed, when acting or purporting to act in pursuance of any of the provisions of this Ordinance, to be public servants within the meaning of section 21 of the Indian Penal Code.

**25. Power to make rules.**— (1) The State Government may, by notification in the *Official Gazette*, make rules for carrying out the provisions of this Ordinance.

XLV of 1860.

(2) In particular, and without prejudice to the generality of the forgoing power, such rules may provide for all or any of the following matters, namely:—

- (a) salaries and allowances payable to, and other terms and conditions of services of, the Chairperson and members, officers and other employees under sub-section (2) of section 4;
- (b) allowances payable for attending the meeting of the *ad hoc* committee by the persons appointed under sub-clause (i) of sub-section (1) of section 12;
- (c) particulars of programmes of the work of Commission to be submitted to the State Government under sub-section (2) of section 19;
- (d) the form in which the Annual Statement of Accounts shall be maintained under sub-section (5) of section 19;
- (e) the maintenance of accounts and other relevant record under sub-section (1) of section 20;
- (f) any other matter which is to be or may be prescribed under this Ordinance.

(3) All rules made under this section shall be laid for not less than thirty days before the State Legislature as soon as may be after they are made and shall be subject to rescission by the State Legislature or to such modifications as the State Legislature may make during the session in which they are so laid or the session immediately following.

(4) Any rescission or modification so made by the State Legislature shall be published in the *Official Gazette*, and shall thereupon take effect.

**26. Power to remove difficulties.—** (1) If any difficulty arises in giving effect to the provisions of this Ordinance, the State Government may, by order published in the *Official Gazette*, make such provision not inconsistent with the provisions of this Ordinance, as may appear to it to be necessary or expedient for removing the difficulty:

Provided that no such order shall be made after the expiry of five years from the date of commencement of this Ordinance.

(2) Every order made under this section shall, as soon as may be, after it is made, be laid before the State Legislature.

**27. Power of the State Government to give directions.—**The State Government may, if it thinks fit, give directions to the Commission as to carrying out execution of any of the provisions of this Ordinance and the Commission shall be bound by such directions.

**STATEMENT**

Vedic era was the golden era so far as the equality of status and personal freedom of women are concerned, but gradually the status and position of women has deteriorated. The framers of the Constitution had realised the unequal social position of the women and assured to improve the status and dignity of women in the society. The State Government attaches great importance to the protection and advancement of women in all walks of life, fields of societies and to the upliftment of status and dignity of women in general in the society. The revolution towards gender equality must be propelled by a concrete strategy for accelerating programmes. Unequal status of women, ill-treatment and derogatory practices against the women and violation of the Constitutional provisions and other women welfare legislations make bare necessity to set up an independent statutory agency to carry out surveillance functions and to facilitate effective redressal of grievances of women. With a view to make regular surveillance on such violation of rights of women, the Government of India has set up a Commission for women at a national level. On the same lines, it is considered necessary to set up State level Commission for women for check on deprivation of such rights and having powers to recommend legislative amendments in women welfare legislations and judicial actions for redressal of grievances of women against deprivation of their rights and to take up such issues with the State Government or appropriate authority for effective remedial measures. It is also considered necessary that such body shall adequately be supported by the Government machinery.

As the Gujarat Legislative Assembly is not in session, this Ordinance is promulgated to achieve the aforesaid objects.

Gandhinagar,  
Dated the 29<sup>th</sup> December, 2001.

SUNDARSINGH BHANDARI,  
Governor of Gujarat.

By order and in the name of the Governor of Gujarat,

**R.M. Patel,**  
Secretary to Government.

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Government Central Press, Gandhinagar